

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
November 18, 1991

Meeting convenes at 10:00 a.m., Monday, November 18, in the fourth floor conference room.

Public Participation

10:30 a.m.

Break

3:00 p.m.

Amoco Pipeline Co. (Item # 11-E)

1:30 p.m.

1. Approve Agenda.
2. Approve Minutes of October 21, 1991.
3. Director's Report. (Wilson) Information.
4. Financial Status Report. (Kuhn) Information.
5. Monthly Reports. (Stokes) Information.
6. Notice of Intended Action--Chapter 136, Underground Storage Tanks New Financial Responsibility Date for Local Governments. (Stokes) Decision.
7. Notice of Intended Action--Chapters 60 and 64, Stormwater Discharge Permits. (Stokes) Decision.
8. State Revolving Fund Intended Use Plan (FY 92) - Authority for Public Hearing. (Stokes) Decision.
9. Landfill Alternative Grant Awards. (Hay) Decision.
10. Contested Case Process Discussion. (Combs) Information.
11. Referrals to the Attorney General. (Combs) Decision.
 - (a) Stokely USA, Inc. (Ackley)
 - (b) Virgil Littschwager/Littschwager & Sons, Inc. (Buckeye)
 - (c) Daryl Dillavou (Waverly)
 - (d) Bill Herweh (Prairie City)
 - (e) Amoco Pipeline Company (Dubuque)
12. 1992 Legislation Package. (Combs) Decision.
13. General Discussion.
14. Address Items for Next Meeting.

NEXT MEETING DATES

December 16, 1991
January 21, 1992 (Tuesday)
February 17, 1992

ENVIRONMENTAL PROTECTION COMMISSION

Monday, November 18, 1991

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Sybilus Rajkowski

H+W Motor Express Co Dubuque, Ia.
Newton Water Works Newton, IA-

JJ Palmer

Janet Eakins

Des Moines Water Works Des Moines, IA
Wesley Sullivan & Ward DM, IA

Amy Christensen Couch

ROD BOSHAERT

CR Gazette

Mark Hendrickson

PACC, Inc.

Carrollville, IA

CRAIG FINCH

Iowa Motor Truck Association

Des Moines, IA

Jack Clark

Iowa Utility Assoc.

Des Moines IA

Rich Kelley

UHL

Des Moines, IA

Bob Rasmussen

Radio IA

Des Moines IA

Bever Elin

Creston

Creston

Andrew Ostrikov

Rossburg

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Senders Initials JL.

Minutes of the Environmental Protection Commission Meeting

November ¹⁸ ~~November~~, 1991

Wallace State Office Building, Des Moines, Iowa

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NOVEMBER 1991 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 10:00 a.m. on November 18, 1991.

MEMBERS PRESENT

Verlon Britt, William Ehm, Richard Hartsuck, Rozanne King, Charlotte Mohr, Margaret Prah, Gary Priebe, Nancylee Siebenmann, and Clark Yeager.

ADOPTION OF AGENDA

Motion was made by Charlotte Mohr to approve the agenda as presented. Seconded by Rozanne King. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Rozanne King to approve the minutes of October 21, 1991, as presented. Seconded by Charlotte Mohr. Motion carried unanimously.

COMMISSIONER APPOINTMENT

Chairperson Hartsuck recognized Verlon Britt, the newly appointed commissioner to the Environmental Protection Commission and related that he is a banker from Elgin, Iowa. The Commission welcomed Mr. Britt.

DIRECTOR'S REPORT

Director Wilson stated that each Commissioner received Consumer Education Guide brochures on drinking water which they can use for future reference. The brochures were provided by the Association of State Drinking Water Administrators. Mr. Wilson

noted that Allan Stokes will provide testimony on water issues to an interim committee of the legislature this afternoon. Director Wilson distributed copies of the Midwest Interstate Low-Level Radioactive Waste Compact Commission Annual Report from July, 1990 to June, 1991. He stated that the Compact has revoked Michigan's membership and affirmed Ohio as being the host state for low-level radioactive waste siting. Ohio is developing enabling legislation in order to start their siting process. Teresa Hay will provide periodic updates on their progress.

FINANCIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached for your information is the Year-To-Date expenditure status report for each division as of the end of October.

Due to workload, we are relying on the State's IFAS system to provide this report. The YTD plan amount is simply the annual budget amount divided by the number of months to date. This can be misleading as normal expenditures rarely occur in even increments.

As an example, the YTD salary budget is simply 4/12's (33%) of the annual budget as of 10/31. Yet, due to the bi-weekly nature of the payroll process, we've actually paid out 9/26's (34.6%) as of 10/31. This results in several salary expenditure budgets appearing as "over" when this is not the case.

Because of spending and hiring restrictions, the DNR is significantly under budget in most expenditure categories. The major exception is Parks salaries. This shows as "over" at this point because much of the seasonal staffing expenditure occurs in July, August and September.

The staff will attempt to answer any questions commissioners may have regarding this report or related financial matters at the meeting.

(Reports are shown on the following 3 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 10/31/91

	TOTAL EXPENDITURES 10/01/91 - 10/31/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR'S OFFICE					
101 PERSONAL SERVICES	19,011.19	56,867.48	55,843.00	1,024.48	167,531.00
202 PERSONAL TRAVEL	2,641.84	6,952.02	13,333.00	6,380.98-	40,000.00
301 OFFICE SUPPLIES	49.42	301.18	666.00	364.82-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	181.33	181.33	250.00	68.67-	750.00
309 PRINTING & BINDING	1,062.80	3,201.85	4,666.00	1,464.15-	14,000.00
401 COMMUNICATIONS	629.43	1,274.86	1,000.00	274.86	3,000.00
406 OUTSIDE SERVICES	1,680.22	1,680.22	666.00	1,014.22	2,000.00
410 DATA PROCESSING	325.27	325.27	1,600.00	1,274.73-	4,800.00
501 EQUIPMENT	369.22	369.22	1,291.00	921.78-	3,874.00
DIVISION TOTAL	25,950.72	71,153.43	79,315.00	8,161.57-	237,955.00

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2000 COORDINATION AND INFORMATION					
101 PERSONAL SERVICES	127,611.27	438,503.03	427,700.00	10,803.03	1,283,115.00
202 PERSONAL TRAVEL	1,674.06	5,573.16	9,911.00	4,337.84-	29,750.00
203 STATE VEHICLE OPERATION	244.13-	2,515.18	2,906.00	390.82-	8,721.00
204 STATE VEHICLE DEPRECIATIO	365.00-	3,120.00	4,153.00	1,033.00-	12,460.00
301 OFFICE SUPPLIES	24,693.54	46,645.21	34,114.00	12,531.21	102,350.00
302 FACILITY MAINTENANCE SUPP	1,209.89-	1,648.54	1,333.00	315.54	4,000.00
303 EQUIPMENT MAINTENANCE SUP	519.10-	224.74	1,000.00	775.26-	3,000.00
308 OTHER SUPPLIES	10,061.89	16,911.11	20,966.00	4,054.89-	62,905.00
309 PRINTING & BINDING	5,914.64	73,351.86	119,863.00	46,511.14-	359,593.00
312 UNIFORMS & RELATED ITEMS	0.00	3.33	200.00	196.67-	600.00
401 COMMUNICATIONS	2,836.07	8,615.27	9,200.00	584.73-	27,600.00
402 RENTALS	293.46	323.46	166.00	157.46	500.00
403 UTILITIES	301.00-	54.45	250.00	195.55-	750.00
405 PROF & SCIENTIFIC SERVICE	50.00	50.00	2,333.00	2,283.00-	7,000.00
406 OUTSIDE SERVICES	951.22-	6,832.09	19,666.00	12,833.91-	59,000.00
410 DATA PROCESSING	2,026.25	2,026.25	4,482.00	2,455.75-	13,450.00
501 EQUIPMENT	124.39-	120.43	1,000.00	879.57-	3,000.00
DIVISION TOTAL	171,446.45	606,518.11	659,243.00	52,724.89-	1,977,794.00

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3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	414,333.52	1,309,784.99	1,317,155.00	7,370.01-	3,951,473.00
202 PERSONAL TRAVEL	5,741.82	16,743.40	18,530.00	1,786.60-	55,600.00
203 STATE VEHICLE OPERATION	4,208.65	19,156.77	20,166.00	1,009.23-	60,500.00
204 STATE VEHICLE DEPRECIATIO	5,805.00	23,145.00	24,733.00	1,588.00-	74,200.00
301 OFFICE SUPPLIES	12,647.84	48,433.26	112,863.00	64,429.74-	338,600.00
303 EQUIPMENT MAINTENANCE SUP	5,795.93	10,403.43	17,165.00	6,761.57-	51,500.00
308 OTHER SUPPLIES	825.42	4,479.31	3,897.00	582.31	11,700.00
309 PRINTING & BINDING	309.60	3,315.75	6,764.00	3,448.25-	20,300.00
312 UNIFORMS & RELATED ITEMS	0.00	68.54	1,066.00	997.46-	3,200.00
401 COMMUNICATIONS	17,253.75	33,462.69	26,598.00	6,864.69	79,800.00
406 OUTSIDE SERVICES	847.08	2,107.12	16,631.00	14,523.88-	49,900.00
410 DATA PROCESSING	7,990.05-	56,444.96	35,498.00	20,946.96	106,500.00
412 AUDITOR OF STATE REIMBURS	35,636.00	35,636.00	28,333.00	7,303.00	85,000.00
414 REIMBURSEMENTS TO OTHER A	3,101.69	4,251.69	12,333.00	8,081.31-	37,000.00
501 EQUIPMENT	2,968.52	6,287.96	41,666.00	35,378.04-	125,000.00
DIVISION TOTAL	501,484.77	1,573,720.87	1,683,398.00	109,677.13-	5,050,273.00

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4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	572,813.70	2,175,539.64	1,857,774.00	317,765.64	5,573,330.00
202 PERSONAL TRAVEL	11,816.34	20,922.80	29,482.00	8,559.20-	88,464.00
203 STATE VEHICLE OPERATION	17,963.92	68,818.81	64,165.00	4,653.81	192,500.00
204 STATE VEHICLE DEPRECIATIO	25,575.00	94,550.00	77,564.00	16,986.00	232,697.00
301 OFFICE SUPPLIES	2,119.18	12,067.32	15,314.00	3,246.68-	45,950.00
302 FACILITY MAINTENANCE SUPP	52,473.69	154,338.56	140,465.00	13,873.56	421,404.00
303 EQUIPMENT MAINTENANCE SUP	28,162.32	98,687.06	96,415.00	2,272.06	289,250.00
307 AG., CONSERVATION & HORT S	210.87	3,104.54	7,166.00	4,061.46-	21,500.00
308 OTHER SUPPLIES	8,202.06	12,207.05	12,894.00	686.95-	38,694.00
309 PRINTING & BINDING	23.70	125.20	8,333.00	8,207.80-	25,000.00
312 UNIFORMS & RELATED ITEMS	1,572.21	2,189.05	17,198.00	15,008.95-	51,602.00
401 COMMUNICATIONS	10,295.55	27,033.34	32,998.00	5,964.66-	99,002.00
402 RENTALS	6,231.73	12,515.98	9,450.00	3,065.98	28,350.00
403 UTILITIES	70,814.21	144,377.14	126,148.00	18,229.14	378,451.00
405 PROF & SCIENTIFIC SERVICE	0.00	3,800.00	27,684.00	23,884.00-	83,055.00
406 OUTSIDE SERVICES	29,796.33	67,676.83	70,598.00	2,921.17-	211,800.00
408 ADVERTISING & PUBLICITY	10.41	10.41	16.00	5.59-	50.00
410 DATA PROCESSING	724.56	724.56	3,331.00	2,606.44-	10,000.00
414 REIMBURSEMENTS TO OTHER A	1,227.67	1,227.67	1,832.00	604.33-	5,500.00
501 EQUIPMENT	11,273.55	19,397.57	40,333.00	20,935.43-	121,000.00
602 OTHER EXPENSES & OBLIGATI	569.36	1,676.36	899.00	777.36	2,700.00
DIVISION TOTAL	851,876.36	2,920,989.89	2,640,059.00	280,930.89	7,920,299.00

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5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	191,906.81	615,618.75	654,054.00	38,435.25-	1,962,174.00
202 PERSONAL TRAVEL	5,862.12	13,175.31	17,973.00	4,797.69-	53,939.00
203 STATE VEHICLE OPERATION	7,671.20	29,207.67	24,996.00	4,211.67	75,000.00
204 STATE VEHICLE DEPRECIATIO	11,035.00	40,230.00	36,525.00	3,705.00	109,580.00
301 OFFICE SUPPLIES	643.72	4,076.91	5,731.00	1,654.09-	17,200.00
302 FACILITY MAINTENANCE SUPP	5,788.84	12,920.11	12,831.00	89.11	38,500.00
303 EQUIPMENT MAINTENANCE SUP	3,994.38	12,725.73	18,699.00	5,973.27-	56,100.00
307 AG., CONSERVATION & HORT S	42,631.74	42,645.29	29,073.00	13,572.29	87,223.00
308 OTHER SUPPLIES	499.85	1,657.49	15,998.00	14,340.51-	48,000.00
309 PRINTING & BINDING	239.75	2,729.55	4,797.00	2,067.45-	14,400.00
312 UNIFORMS & RELATED ITEMS	1,052.15	1,630.73	4,489.00	2,858.27-	13,475.00
401 COMMUNICATIONS	4,182.24	9,652.85	11,595.00	1,942.15-	34,800.00
402 RENTALS	5,492.41	5,674.41	9,999.00	4,324.59-	30,000.00
403 UTILITIES	1,212.46	5,276.11	10,832.00	5,555.89-	32,500.00
406 OUTSIDE SERVICES	1,485.48	4,417.50	11,832.00	7,414.50-	35,500.00
408 ADVERTISING & PUBLICITY	68.93	360.63	133.00	227.63	400.00
410 DATA PROCESSING	327.43	327.43	365.00	37.57-	1,100.00
501 EQUIPMENT	4,291.15	16,722.64	33,332.00	16,609.36-	100,000.00
DIVISION TOTAL	288,385.66	819,049.11	903,254.00	84,204.89-	2,709,891.00

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6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	263,163.95	802,154.64	811,491.00	9,336.36-	2,434,505.00
202 PERSONAL TRAVEL	4,501.98	11,249.28	20,270.00	9,020.72-	60,835.00
203 STATE VEHICLE OPERATION	1,800.51	7,917.81	8,666.00	748.19-	26,000.00
204 STATE VEHICLE DEPRECIATIO	2,445.00	9,780.00	9,900.00	120.00-	29,700.00
301 OFFICE SUPPLIES	3,792.97	4,545.41	4,526.00	19.41	13,595.00
302 FACILITY MAINTENANCE SUPP	0.00	4.77	166.00	161.23-	500.00
303 EQUIPMENT MAINTENANCE SUP	102.75	5,578.86	4,399.00	1,179.86	13,200.00
304 PROF. & SCIENTIFIC SUPPL	11.64	1,049.30	699.00	350.30	2,100.00
308 OTHER SUPPLIES	1,889.69	17,509.60	12,948.00	4,561.60	38,861.00
309 PRINTING & BINDING	4,655.20	6,075.76	12,543.00	6,467.24-	37,645.00
401 COMMUNICATIONS	3,882.99	8,158.06	11,414.00	3,255.94-	34,260.00
402 RENTALS	175.00	760.00	800.00	40.00-	2,400.00
403 UTILITIES	1,060.16	1,890.10	4,391.00	2,500.90-	13,175.00
405 PROF & SCIENTIFIC SERVICE	160,428.67	161,428.67	212,126.00	50,697.33-	636,380.00
406 OUTSIDE SERVICES	1,738.76	8,942.18	2,029.00	6,913.18	6,100.00
410 DATA PROCESSING	2,689.85	2,689.85	5,862.00	3,172.15-	17,600.00
501 EQUIPMENT	24.95	24.95	1,400.00	1,375.05-	4,200.00
DIVISION TOTAL	452,364.07	1,049,759.24	1,123,630.00	73,870.76-	3,371,056.00

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7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	723,362.03	2,209,053.83	2,261,105.00	52,051.17-	6,783,342.00
202 PERSONAL TRAVEL	10,233.08	27,394.23	47,671.00	20,276.77-	143,050.00
203 STATE VEHICLE OPERATION	3,031.64	13,884.17	20,732.00	6,847.83-	62,200.00
204 STATE VEHICLE DEPRECIATIO	4,685.00	18,675.00	21,999.00	3,324.00-	66,000.00
301 OFFICE SUPPLIES	3,455.19	14,144.35	17,108.00	2,963.65-	51,350.00
302 FACILITY MAINTENANCE SUPP	188.40	375.52	832.00	456.48-	2,500.00
303 EQUIPMENT MAINTENANCE SUP	3,097.00	3,922.26	3,665.00	257.26	11,000.00
304 PROF. & SCIENTIFIC SUPPL	0.00	35.12	333.00	297.88-	1,000.00
308 OTHER SUPPLIES	5,496.69	11,330.90	7,278.00	4,052.90	21,850.00
309 PRINTING & BINDING	1,846.50	6,549.85	14,526.00	7,976.15-	43,600.00
312 UNIFORMS & RELATED ITEMS	87.34	217.33	666.00	448.67-	2,000.00
401 COMMUNICATIONS	12,393.39	30,187.98	36,099.00	5,911.02-	108,300.00
402 RENTALS	4,981.75	15,815.07	18,333.00	2,517.93-	55,000.00
403 UTILITIES	1,081.81	3,622.54	5,033.00	1,410.46-	15,100.00
405 PROF & SCIENTIFIC SERVICE	140,478.50	162,830.70	258,084.00	95,253.30-	774,259.00
406 OUTSIDE SERVICES	1,897.88	6,627.90	13,405.00	6,777.10-	40,220.00
408 ADVERTISING & PUBLICITY	675.51	999.36	3,331.00	2,331.64-	10,000.00
410 DATA PROCESSING	22,643.06	22,643.06	45,372.00	22,728.94-	136,140.00
501 EQUIPMENT	19,446.09	55,567.44	124,150.00	68,582.56-	372,460.00
DIVISION TOTAL	959,080.86	2,603,876.61	2,899,722.00	295,845.39-	8,699,371.00

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8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	1,271,488.01	3,900,939.97	3,727,870.00	173,069.97	11,183,655.00
202 PERSONAL TRAVEL	31,989.45	92,670.37	112,208.00	19,537.63-	336,671.00
203 STATE VEHICLE OPERATION	53,613.81	171,090.08	152,640.00	18,450.08	457,959.00
204 STATE VEHICLE DEPRECIATIO	56,455.00	225,850.00	237,748.00	11,898.00-	713,260.00
301 OFFICE SUPPLIES	12,512.38	32,675.12	62,155.00	29,479.88-	186,491.00
302 FACILITY MAINTENANCE SUPP	32,847.70	62,964.72	110,367.00	47,402.28-	331,144.00
303 EQUIPMENT MAINTENANCE SUP	65,921.68	139,777.05	116,178.00	23,599.05	348,577.00
307 AG., CONSERVATION & HORT S	36,507.62	83,098.15	102,103.00	19,004.85-	306,327.00
308 OTHER SUPPLIES	2,699.45	8,920.22	26,974.00	18,053.78-	80,958.00
309 PRINTING & BINDING	6,239.40	13,794.92	49,756.00	35,961.08-	149,276.00
312 UNIFORMS & RELATED ITEMS	25,014.72	45,381.01	39,963.00	5,418.01	119,921.00
401 COMMUNICATIONS	23,427.69	59,697.82	57,177.00	2,520.82	171,554.00
402 RENTALS	7,353.77	12,182.41	13,927.00	1,744.59-	41,792.00
403 UTILITIES	13,957.99	48,183.25	70,420.00	22,236.75-	211,280.00
405 PROF & SCIENTIFIC SERVICE	3,525.00	56,821.25	46,284.00	10,537.25	138,855.00
406 OUTSIDE SERVICES	7,693.28	24,973.84	32,266.00	7,292.16-	96,830.00
408 ADVERTISING & PUBLICITY	19.62	46.96	66.00	19.04-	200.00
410 DATA PROCESSING	11,237.05	11,237.05	14,699.00	3,461.95-	44,100.00
414 REIMBURSEMENTS TO OTHER A	33,617.65	33,617.65	43,333.00	9,715.35-	130,000.00
501 EQUIPMENT	9,964.45	31,025.97	76,415.00	45,389.03-	229,261.00
602 OTHER EXPENSES & OBLIGATI	150.00	150.00	200.00	50.00-	600.00
701 LICENSES	0.00	15.00	100.00	85.00-	300.00
DIVISION TOTAL	1,706,235.72	5,055,112.81	5,092,849.00	37,736.19-	15,279,011.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 10/31/91

	TOTAL EXPENDITURES 10/01/91 - 10/31/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	44,130.89	138,118.28	180,432.00	42,313.72-	541,305.00
202 PERSONAL TRAVEL	7,930.33	13,633.43	13,984.00	350.57-	41,960.00
301 OFFICE SUPPLIES	113.25	691.08	1,799.00	1,107.92-	5,400.00
308 OTHER SUPPLIES	190.61	657.66	2,266.00	1,608.34-	6,800.00
309 PRINTING & BINDING	4,330.66	8,158.47	23,500.00	15,341.53-	70,500.00
401 COMMUNICATIONS	1,843.41	2,715.24	8,431.00	5,715.76-	25,300.00
406 OUTSIDE SERVICES	0.00	46.50	1,666.00	1,619.50-	5,000.00
410 DATA PROCESSING	694.74	694.74	1,365.00	670.26-	4,100.00
501 EQUIPMENT	460.01	460.01	2,525.00	2,064.99-	7,575.00
DIVISION TOTAL	59,693.90	165,175.41	235,968.00	70,792.59-	707,940.00

Mr. Kuhn gave an explanation of the reports and noted that Director Wilson will present the DNR's formal budget request to the Governor on November 25. Commissioners are welcome to attend.

Charlotte Mohr asked if 80 is the total number of vacancies for the department and if any of those positions can be filled.

Mr. Kuhn responded that there are 80 vacancies, a significant amount of those being in the Environmental Protection Division and Waste Management Division.

Director Wilson commented that the department recently received authority to add three people to Allen Stokes' staff. He added that staff has to do a very good job of justifying the hiring of replacement personnel in order to get positions approved.

This was an informational item; no action was required.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 16 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 RULEMAKING STATUS REPORT
 November 1, 1991

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 61 - Corps of Engineers Nationwide Permits	6/17/91	7/10/91	8/21/91	7/31/91- 8/05/91	*12/16/91	*12/16/91	*1/08/92	*2/12/92
2. Ch. 61 - Water Quality Stds. S. Skunk River	10/21/91	11/13/91	12/ /91	12/03/91	*1/20/92	*1/20/92	*2/ /92	*3/ /92
3. Ch. 64 - Stormwater Discharge Permits	11/18/91	*12/11/91	*1/ /92	*1/03/92 *1/10/92	*2/17/92	*2/17/92	*3/ /92	*4/ /92
4. Ch. 136 - Financial Responsibility for USTs - Local Governments	11/18/91	*12/11/91	*1/ /92	*1/07/92	*2/17/92	*2/17/92	*3/ /92	*4/ /92

*Projected

MONTHLY VARIANCE REPORT						
Month: October, 1991						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Iowa Realty Co., Inc.	Air Quality	Civil Engineering Consultants, Inc.	Structures	Approved	10/17/91
2.	Iowa Division of Soil Conservation	Air Quality	Mikon Corporation	Landscape Waste	Approved	10/25/91
3.	City of Leon	Wastewater Construction	Howard R. Green Co.	Minimum Sewer Size	Approved	10/01/91
4.	City of West Chester	Wastewater Construction	Garden & Associates	Lagoon Flow Measurement	Approved Denied	10/01/91
5.	Hamilton County	Flood Plain	County Engineer	Percent Length Reduction	Approved	10/01/91
6.	Iowa Electric Light & Power Co. - Big Bend Coal Combustion Residue Landfill	Solid Waste		Closure	Approved	10/11/91
7.	Bremer County Sanitary Landfill	Solid Waste	County Engineer	Cover	Approved	10/21/91

TOPIC: Report of Hazardous Conditions

During the period October 1, 1991 through October 31, 1991, reports of 87 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
10/05/91 Floyd	On October 5, 1991, a storm caused a pipe to break on an aboveground storage tank. The flow of product was not strong enough to engage the safety valve, thus 5300 gallons of unleaded gasoline were released into the containment area. The product was contained within the dike, but the underlying soil is very sandy, causing product to migrate toward the water table.	Farmers' Coop Exc. 804 First Ave NW Rockford, IA	Sumps were dug to collect free product and contaminated soil was overexcavated. The site will be monitored to determine if remedial action is required.
10/22/91 Benton	A pole mounted transformer developed a leak, releasing 30 gallons of oil onto a roof and a building. No citizens were exposed to the material. Preliminary tests show a PCB concentration of 260 ppm.	Iowa Electric L&P Box 351 Cedar Rapids, IA	The liquid was absorbed, and all surfaces were decontaminated. The material will be handled as a hazardous waste pending confirmatory lab results.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1991

Substance TypeMode

Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	87(112)	52(69)	4(7)	31(36)	42(70)	2(0)	24(25)	2(1)	0(1)	17(15)
Nov.										
Dec.										
Jan.										
Feb.										
March										
April										
May										
June										
July										
August										
Sept.										

Total Number Of Incidents Per Field Office This Period:

	1	2	3	4	5	6
	16	9	10	7	23	22

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of October 1, 1991 through October 31, 1991, the following number of releases from underground storage tanks were identified.

60 (538)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1991.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of October 1, 1991 through October 31, 1991, the following number of LUST cleanups were completed.

9 (458)

The number in parentheses represents the total number of LUST cleanups through October 31, 1991.

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Frito-Lay, Inc., Council Bluffs (4)	Air Quality	Construction Without Permit	Order/Penalty	10/04/91
Coopers Cove - Pocahontas Co. Conservation Board (3)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	10/04/91
63-80 Cafe, Malcom (5)	Drinking Water	MCL-Bacteria; Public Notice	Order	10/04/91
Bethlehem Lutheran Church, Harlan (4)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	10/04/91
Interstate Power Co., Dubuque County (1)	Wastewater	Discharge Limits	Order	10/04/91
Don Stickle & Sons Farm, Inc., Linn County (1)	Wastewater	Prohibited Discharge	Order/Penalty	10/04/91
Camp Neyati, Council Bluffs (4)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	10/04/91
Caseys General Store, Redfield (5)	Underground Tank	Monitoring Deficiency	Order/Penalty	10/04/91
Royal Oaks Court, Spirit Lake (3)	Drinking Water	Construction Without Permit; MCL-Bacteria; Monitoring/Reporting-Bacteria & Nitrate	Order/Penalty	10/04/91
K-Mart Corporation, Mason City (2)	Underground Tank	Site Assessment	Order	10/07/91
Jack Vincent d/b/a Jack Vincent Trucking, Nevada (5)	Underground Tank	Site Assessment	Order	10/07/91

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Cushing Water Supply (3)	Drinking Water	Monitoring/Reporting- Nitrate & Radionuclide	Order/Penalty	10/24/91
Oelwein, City of (1)	Wastewater	Discharge Limits	Order	10/24/91
Custom Hardware Mfg., Inc., Keokuk (6)	Air Quality	Construction Without Permit	Order/Penalty	10/24/91
Fred Boley d/b/a Boley Oil, McCausland (6)	Hazardous Condition	Remedial Action	Order	10/24/91
State Central Bank, Stockport (6)	Underground Tanks	Closure Investigation	Order	10/24/91
Farmers Coop Feed Co., Florenceville (1)	Underground Tanks	Closure Investigation	Order	10/24/91
Chicago Rivet & Machine Co., Jefferson (4)	Wastewater	Pretreatment	Amended Order	10/30/91
Marty's Minimart, Quasqueton (1)	Drinking Water	MCL-Bacteria	Order	10/30/91
William J. and Debra Lynch, Ringgold County (4)	Flood Plain	Construction Without Permit	Order/Penalty	10/07/91
Rex Shaha, Ringgold County (4)	Flood Plain	Construction Without Permit	Order/Penalty	10/07/91
Carroll Bowl, Carroll (4)	Drinking Water	MCL-Bacteria; Monitor- ing/Reporting-Nitrate;	Order/Penalty	10/10/91
Flyway Cafe, Green Island (1)	Drinking Water	Monitoring/Reporting- Bacteria & Nitrate	Order/Penalty	10/16/91
Coats Subdivision, Fort Dodge (2)	Drinking Water	Monitoring/Reporting- Inorganics	Order/Penalty	10/16/91
Fertile Municipal Water Supply (2)	Drinking Water	Monitoring/Reporting- Other Inorganics	Order/Penalty	10/21/91
Central Baptist Church, Council Bluffs (4)	Drinking Water	Monitoring/Reporting- Nitrate; Public Notice	Order/Penalty	10/21/91
John Hosch, Jones County (1)	Wastewater	Prohibited Discharge	Order/Penalty	10/21/91
Bankston Public Water System (1)	Drinking Water	Monitoring/Reporting- Other Inorganics; Public Notice	Order/Penalty	10/21/91
Acorn Park Golf and Country Club, St. Ansgar (2)	Drinking Water	Monitoring/Reporting- Nitrate; Public Notice	Order/Penalty	10/21/91
Star Mobile Home Park, Charles City (2)	Drinking Water	Monitoring/Reporting- Other Inorganics	Order/Penalty	10/21/91
Broadview Trailer Court, Dubuque (1)	Drinking Water	Monitoring/Reporting- Other Inorganics	Order/Penalty	10/21/91
Jim Braun, Franklin Co. (2)	Wastewater	Prohibited Discharge	Referred to AG	10/21/91
American Meat Protein Corp., Lytton (3)	Wastewater	Pretreatment	Referred to AG	10/21/91
Independence, City of (1)	Wastewater	Discharge Limits	Order	10/24/91

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Merle Adams (Hardin Co.)	SW	1,000	7-01-91
Vern Starling (Boone Co.)	SW	800	9-15-91
Carl A. Burkhart d/b/a American Wrecking Co.	AQ/SW	200	9-15-91
Fremont Golf Course (Sidney)	WS	660	10-20-91
Sleepy Hollow Campground (Oxford)	WW	1,000	10-24-91
Waverly Gravel & Ready-Mix Co. (Butler Co.)	AQ	1,000	10-27-91
Lloyd Dunton (Iowa County)	SW	300	11-07-91
Joe W. Ringsdorf (Kossuth County)	AQ	1,000	11-07-91
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	440	11-19-91
Amana Colonies Golf Course (Middle Amana)	WW	1,000	11-19-91
Rottler Farms, Inc.; Pooley & Rottler Farms, Inc. (Butler County)	WW	1,000	11-23-91
Casey's General Store (Redfield)	UT	1,000	12-09-91
Frito-Lay, Inc. (Council Bluffs)	AQ	1,000	12-11-91
Carroll Bowl (Carroll)	WS	200	12-15-91
Flyway Cafe (Green Island)	WS	435	12-19-91
Fertile Municipal Water Supply	WS	200	12-23-91
Star Mobile Home Park (Charles City)	WS	200	12-23-91
Coats Subdivision (Ft. Dodge)	WS	200	12-24-91
Central Baptist Church (Council Bluffs)	WS	200	12-24-91
John Hosch (Jones County)	WW	1,000	12-24-91
Bankston, City of	WS	200	12-25-91
Farmers Coop Feed Co. (Florenceville)	UT	300	12-28-91
Cushing, City of	WS	200	12-29-91
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	500	1-01-92
Don Stickle and Sons Farms (Linn County)	WW	750	8-30-92
Custom Hardware Manufacturing, Inc. (Keokuk)	AQ	1,000	-----
Capitol Oil Co. d/b/a Dakota MHP (Iowa City)	WW	1,000	-----
Broadview Trailer Court (Dubuque)	WS	200	-----
Acorn Park Golf and Country Club (St. Ansgar)	WS	200	-----

The following cases have been referred to the Attorney General:

*On Payment Schedule

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Craig Natvig (Cerro Gordo Co.)	SW	750	6-18-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Pony Creek Homeowners Assoc. #1 (Pacific Jct.)	WS	315	2-24-91
M & D's Chalet (Elgin)	WS	490	3-02-91
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth County)	SW	1,000	4-11-91
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	245	5-14-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
*Folletts Tavern (Camanche)	WS	375	6-25-91
Fred R. Thomas/Fred R. Thomas, Jr. d/b/a Clair-View Acres Store (Delhi)	WS	1,000	8-04-91
M & W Mobile Home Park (Muscatine)	WW	700	8-21-91

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Molkenthin Swine Operation (Keokuk County)	WW	800
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Clarke County Sanitary Landfill (Osceola)	SW	1,000
Kenneth Bode (Mills Co.)	SW	1,000
Mason City Iron and Metal Co. (Mason City)	AQ	1,000
Ringgold County Hospital (Mt. Ayr)	AQ	1,000
American Recycling, Inc. (Council Bluffs)	AQ	1,000
Waterloo, City of	WW	1,000
Wally's Paint Shop (Strawberry Point)	AQ	500
Andrews Prestressed Concrete (Cerro Gordo Co.)	SW	1,000
The River Products Co. (Iowa City)	AQ	1,000
Modernfold, Inc. (Dyersville)	AQ	1,000
Westside Park for Mobile Homes (Lee Co.)	WW	500
Monona Co. SLF/Ronald L. Hanson (Monona Co.)	SW	1,000
Royal Oaks Court (Spirit Lake)	WS	675
Rex Shaha (Ringgold Co.)	FP	1,000
William J. and Debra Lynch (Ringgold Co.)	FP	400
Young Radiator Co. (Centerville)	WW	1,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Empire Const. Co. d/b/a Dickinson Co. SLF	SW	1,000
Nichii Company of America, Inc. (Jefferson)	AQ	1,000
USDA/Natl. Animal Disease Center (Ames)	AQ	1,000
Wayland Water Supply	WS	50
LaMont Ltd./LaMont Intl., Inc. (Burlington)	AQ	500
Arion Water Supply	WS	400
Fibre Body Industries, Inc. (Swea City)	AQ	750
Camp Neyati (Council Bluffs)	WS	100
Bethlehem Lutheran Church (Harlan)	WS	50
Coopers Cove-Pocahontas CCB (Pocahontas Co.)	WS	100
Saunders Oil Company (Sioux City)	UT	1,000
Tyden Family Farms, et.al. (Butler Co.)	WW	1,000
TOTAL		\$6,950

The \$700 penalty assessed Premium Standard Farms, Inc. (Boone Co.) was rescinded 10-17-91.

The \$1,00 penalty assessed Donald Ray Maasdam (Pocahontas Co.) was rescinded by Administrative Law Judge.

*On Payment Schedule

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Foland (Decatur)	FP	800
King's Terrace Mobile Home Court (Ames)	WW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000
Manson Water Supply	WS	500
Joe Villinger (West Point)	SW	500
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Plymouth County Solid Waste Agency	SW	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et. al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee County)	FP	500
McDowell Dam #2 (Lee County)	FP	500
Camp Riverside (Guthrie County)	FP	500
John W. Yotter (Louisa County)	SW	1,000

*On Payment Schedule

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
November 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Case Management Hearing Trial Date	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 11/20/90 4/ /92
American Meat Protein Corp. Lytton (3)	New	Wastewater	Pretreatment	Referred to Attorney General	Referred	10/21/91
American Pelletizing Corp. Knoxville (5)		Air Quality	Emission Standards	Order	Referred	2/18/91
Ames Golf & Country Club Ames (5)		Wastewater	Operational Violations Effluent Limits	Referred to Attorney General	Referred	8/19/91
Amoco Oil Company Ames (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	10/15/90
Amoco Oil Company Des Moines (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Referred Suit Filed	8/21/90 10/15/90 9/27/91
Amoco Oil Company Ft. Madison (6)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Anderson, Nicklos J. d/b/a Far-Mor Feeder Pigs Henry County (6)		Wastewater	Prohibited Discharge	Order	Referred	2/18/91
Archer Daniels Midland Co. Clinton County (6)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Amended Petition Filed	3/18/91 10/28/91
Archer Daniels Midland Co. Clinton County (6)	Updated	Air Quality	Emission Standards	Referred to Attorney General	Referred Petition Filed	5/20/91 10/04/91
ASPRO, Inc. Waterloo (1)		Air Quality	Emission Standards	Referred to Attorney General	Referred	3/18/91
Baker, Mike d/b/a M & D's Chalet Elgin (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/15/91
Barn, The Sherrill (1)		Drinking Water	Monitoring/Reporting- Nitrate	Order/Penalty	Referred	8/19/91
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment	11/20/89 3/03/90 7/27/90
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge Failure to Notify	Referred to Attorney General	Referred	5/21/90
Bruening Rock Products, Inc. Elma (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	2/18/91
Buffalo Bill Estates, Inc. Camanche (6)		Drinking Water	Monitoring/Reporting- Nitrate	Order/Penalty	Referred	6/17/91
Braun, Jim Franklin County (2)	New	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	10/21/91
Bryant, Robert D.V.M. d/b/a Cherokee Hog Farms Aurelia (3)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/15/91
Build-A-Rama Kossuth County (2)		Water Rights	DNR Defendant	Defense	Suit Filed	7/27/90
Cain, Edward and Margaret Clinton County (6)		Flood Plain	Channel Change	Referred to Attorney General	Referred Petition Filed	3/18/91 8/19/91

Environmental Protection Commission Minutes

November 1991

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
November 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/15/91
Carnicle, Roger d/b/a The New Shack Tavern Cedar Rapids (1)		Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred Petition Filed Trial Date	9/18/90 12/31/90 12/18/91
Chalfant, Milo, et.al. Webster City (2)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Suit Filed Trial Date	9/20/89 8/08/90 11/14/91
Chicago & Northwestern Transportation Co. Webster County (2)	Updated	Air Quality	Open Burning	Referred to Attorney General	Referred Consent Decree (\$8,000)	3/18/91 10/10/91
Chicago & Northwestern Transportation Co.		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Answer/Motion to Dismiss Parties Motion Granted	8/19/91 8/26/91 9/23/91
Blue Chip Enterprises				Order	Petition for Judicial Review Answer/Motion to Dismiss Parties	8/14/91 9/16/91
Hawkeye Land Company Iowa Falls (2)				Order	Petition for Judicial Review	9/16/91
Clinton Pallet Co. Clinton (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Suit Filed Default Judgment	6/21/89 11/09/89 4/ /90
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan	8/17/88 2/01/90 4/20/90 8/22/90
Cote Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred	4/15/91
				Order	Petition for Judicial Review Motion to Dismiss Order Granting Motion to Dismiss Notice of Appeal	4/18/91 5/08/91 7/23/91 8/13/91
Country Lane Foods, Division of Yoder, Inc., Kalona (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/90
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Jimmy Dean Meat Co., Inc. (5)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed	4/16/90 5/13/91
Denham, Larry Ottumwa (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Default Judgement	8/21/90 11/30/90 6/10/91
Des Moines, City of (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred	9/18/90
Dexter Co., The Fairfield (6)	Updated	Wastewater	Prohibited Discharge Effluent Limit Discharge	Referred to Attorney General	Referred Petition Filed Trial Date Consent Decree (\$5,000)	3/20/90 7/31/90 11/18/91 10/25/91
Drewelow, Harvey d/b/a Hanson Tires New Hampton (1)		Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/19/90 3/13/91
Drips, Joseph and Diana vs. DNR	Updated	Wastewater	Private Sewage Disposal	Defending	Suit Filed Motion to Dismiss Trial Date Order Denying Motion to Dismiss Answer Filed	8/06/90 6/14/91 2/17/92 9/30/91 10/11/91

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Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89
Ervin, Don Webster County (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction	9/16/91 9/18/91
Fairfield, City of (6)	Updated	Wastewater	Monitoring/Reporting Discharge Limitations Operation Violation	Order	Referred Petition Filed Trial Date Consent Decree (\$5,000)	2/20/90 7/31/90 11/18/91 10/25/91
First Iowa State Bank Albia (2)	Updated	Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Oral Argument	4/12/91 11/04/91
Folletts Tap Camarache (6)		Drinking Water	Operation Without Permit; MCL - Bacteria; Monitoring/Reporting - Bacteria & Nitrate	Order/Penalty	Referred	8/19/91
Fred Carlson Co., Inc. Decorah (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred Petition Filed	2/18/91 8/06/91
Giametta, Dominic d/b/a Fred's 66, Davenport (6)		Underground Tank	Remedial Action	Order/Penalty	Referred Petition Filed Trial Date	12/11/89 7/02/90 11/05/91
Great Dane Fertilizer, Inc. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	9/18/90
Hancock County and William Waddingham (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	11/20/90
Honey Creek Camping Resort Crescent (4)		Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	Referred	8/19/91
Hornick, City of (3)		Drinking Water	Monitoring/Reporting	Order/Penalty	Referred Penalty Paid (\$200)	9/16/91 9/17/91
Hubinger Company Keokuk (6)	Updated	Air Quality	Operation Permit Violations	Referred to Attorney General	Referred Consent Decree (\$20,000)	4/15/91 10/17/91
Kleindolph, Richard Muscatine (6)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment Partial Penalty Paid (\$300)	10/24/89 4/06/90 8/13/90 9/13/90
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	11/20/89 3/19/91
Lenox, City of and Papetti's of Iowa, Inc.		Wastewater	Effluent Standards Treatment Agreement	Order	Referred	2/18/91
McGinnis, Mike; Alfred Patten; and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Trial Date	10/24/89 11/15/89 5/06/92
McGregor, John W. and Doris v. DNR (4)		Wastewater	DNR Defendant	401 Certification	Petition for judicial review.	5/30/91
Bob McKiniss Excavating & Grading v. IDNR		Hazardous	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Trial Date	3/12/91 5/01/91 4/14/92
Monfort, Inc. (5)		Wastewater	Prohibited Discharge	Attorney General	Referred Trial Info. Filed (Polk Co.)	12/11/89 7/19/91

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Murphy Trust Keokuk (6)	Updated	Site Registry	- - - - -	Notice of Intent	Petition for Judicial Review Motion to Dismiss	8/26/91 9/16/91
M & W Mobile Home Park Muscatine (6)		Wastewater	Monitoring/Reporting; Discharge Limits; Operational Violations	Order/Penalty	Referred	9/16/91
Natvig, Craig Mason City (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred Petition Filed Trial Date Consent Decree (\$750)	8/21/90 11/29/90 10/17/91 10/17/91
New Virginia Sanitary District (5)		Wastewater	Monitoring/Reporting	Referred to Attorney General	Referred	9/16/91
Oehler, Jay d/b/a Oehler Bros. Oil Moravia (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	5/20/91
Orchard, City of (2)		Drinking Water	Monitoring/Reporting MCL-Bacteria Operation Violations	Referred to Attorney General	Referred	6/17/91
Osceola, City of (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Amended Petition Filed	4/16/90 11/30/90 5/13/91
Pete's Sunoco/ Popejoy Septic West Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	6/19/90
Pony Creek Homeowners Assoc. #1 Pacific Junction (4)		Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	Referred	3/18/91
Pregler, Gerald Dubuque County (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	10/15/90 5/23/91
Pruess v. IDNR		Hazardous Condition	DNR Defendant	Abatement Order	Suit Filed Hearing DNR Motion to Dismiss Hearing Amended Petition DNR Motion to Dismiss Hearing Set Dismissed Appealed to Supreme Court	4/24/90 4/30/90 5/14/90 5/15/90 5/25/90 6/18/90 8/10/90 8/21/90 9/19/90
R. V. Hopkins, Inc. Davenport (6)		Air Quality	Emission Standards	Referred to Attorney General	Referred	6/17/91
Root, William/LAWNKEEPERS Mitchell County (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	7/16/90 8/20/91
Schaap, Darlo Sioux Center (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	2/20/90 6/21/90
Schildberg Construction Co. Atlantic (4)		Flood Plain	Unauthorized Levee	Referred to Attorney General	Referred	8/19/91
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Sevig, Gordon, et.al, Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Charges Filed	9/20/89 7/15/90
Shelley, Robert and Sally Guthrie Center (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	4/15/91 7/18/91
Simmons, Art d/b/a Art's Garage Bussey (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	5/20/91
Siouxland Quality Meat Co., Inc. Sioux City (3)		Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed Trial Date	2/20/90 7/02/90 11/13/91

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Soo Line Railroad Co. Mason City (2)		Wastewater Haz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred	7/15/91
Sun Wise Systems Corp. Sac City (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred	10/15/90
Swea City Oil Co./Irene Fagerlund, Swea City (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Thomas, Fred R. d/b/a Clair-View Acres, Delhi (1)	New	Drinking Water	Monitoring/Reporting	Order/Penalty	Referred	9/16/91
Touchdown Co., et. al., Webster City (2)		Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred Petition Filed	6/21/89 2/14/91
Varner, Fred Worth County (2)		Solid Waste	Waste Oil Reporting	Order/Penalty	Referred	5/20/91

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
12-03-86	Waukeg, City of	Administrative Order	WS	Hansen	Construction completed. Settlement proposed.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87; amended order issued.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Additional sampling results received.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	To District Court 4/12/91 for judicial review.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	WS	Landa	Settlement proposed. Counter offer made.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	One of two sites deemed closed.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	District Court dismisses other issues; Foland appeals to Supreme Court.
7-25-88	Nishna Sanitary Services, Inc.	Permit Conditions	SW	Landa	Settlement proposed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Settlement proposed.

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10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Compliance initiated. Assessment report submitted.
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean-up progressing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settlement proposed.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Property transferred.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Landa	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Petition for judicial review of agency action.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Testing done August 28, 1991.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Compliance completed.
12-11-89	Leo Schachtner	Permit Issuance	EP	Clark	Hearing set for 12/12/91.
1-04-90	Joe Villinger	Administrative Order	SW	Kennedy	Settlement pending.
1-08-90	Northwestern States Portland Cement Co.	Permit Amendment	WW	Landa	Sent to DIA.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	Landa	Settlement proposed.
5-09-90	Raccoon Valley State Bank	Administrative Order	HC	Landa	Order withdrawn.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-09-90	Square D Company	Site Registry	HW	Landa	Hearing continued. Compliance initiated.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Murphy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-14-90	Willow Tree Investments, Inc.	Administrative Order	UT	Wornson	Admin. Order withdrawn. Settled.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	Informal meeting held 6-21-91.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued to 1/23/92.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	Hearing continued.
7-23-90	IBP, inc. Perry	Administrative Order NPDES Permit	WW	Hansen	Response from IBP 10/14/91.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Settlement pending.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Decision appealed; judicial review requested.
8-01-90	J.I. Case Company	Site Registry	HW	Landa	Settlement proposed.
9-06-90	Wilbur Numelin d/b/a Lakeview Enterprises; Carl Hankenson	Administrative Order	UT	Landa	Proposed decision 9/9/91. Appealed.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Decision appealed to EPC.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Landa	Stipulations prepared.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-02-90	James Rhoads; Manatt's, Inc.	Administrative Order	HC	Landa	Hearing set for 12/3/91.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Landa	Negotiating before filing.
10-18-90	Harlan Pruess	Claim	HC	Landa	Hearing continued indefinitely.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10-23-90	Chariton Municipal Water Department	Water Use Permit	WS	Clark	Settlement close.
10-29-90	Arcadian Corporation	NPDES Permit Conditions	WW	Hansen	Pending Corp decision on permit issuance.
11-06-90	Vincent Martinez d/b/a Martinez Sewer Service	Administrative Order	HC	Landa	Settled.
11-13-90	Lloyd Dunton	Administrative Order	SW	Kennedy	Decision final 10/8/91.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
11-29-90	Natural Gas Pipeline of America	NPDES Permit Denial	WW	Hansen	Hearing continued to 2/18/92.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Landa	Settlement proposed.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Landa	Hearing set for 11/22/91.
1-11-91	Fansteel/Wellman Dynamics	Site Registry	HC	Landa	Hearing set for 12/5/91. Settlement proposed.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
2-22-91	Leon & Rebecca Pierce Camp Riverside	Administrative Order	FP	Clark	Hearing continued.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Landa	Hearings begun.
3-11-91	John W. Yotter	Administrative Order	SW	Kennedy	Proposed decision 10/8/91.
3-14-91	Joe Ringsdorf	Administrative Order	AQ	Kennedy	Appealed to EPC 8/19/91. Affirmed.
3-21-91	Molkenthin Swine Operation	Administrative Order	WW	Murphy	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
4-29-91	R.V. Hopkins, Inc.	Const. Permit Denial	AQ	Landa	Hearing continued.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	Negotiating before filing.
5-09-91	Joe Wallbaum	401 Denial	WC	Murphy	Appeal dismissed. Settled.

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5-16-91	Oskaloosa, City of	Administrative Order	WW	Hansen	Negotiating before filing.
5-16-91	Clarke Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Negotiating before filing.
5-20-91	Dad's Fuel Stop	Administrative Order	UT	Wornson	Settlement proposed. Ten days to settle.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Landa	Hearing set for 12/10/91.
5-20-91	Mason City Municipal Airport/ Dwyer Aircraft Sales, Inc.	Administrative Order	UT	Wornson	Compliance initiated with schedule.
5-21-91	The Market of Clear Lake, Inc.	Administrative Order	UT	Wornson	Compliance initiated.
5-31-91	Kenneth Bode	Administrative Order	SW	Kennedy	Negotiating before filing.
5-31-91	Cargill, Inc.	Certificate to Construct AQ		Landa	Written direct testimony filed.
7-05-91	Mason City Iron & Metal Co.	Administrative Order	AQ	Landa	Sent to DIA.
7-08-91	Ringgold County Hospital	Administrative Order	AQ	Landa	Negotiating before filing.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Landa	Hearing set for 1/16/92.
7-15-91	Andrews Prestressed Concrete	Administrative Order	SW	Kennedy	Negotiating before filing.
7-22-91	Rupp Tire	Administrative Order	UT	Wornson	Compliance initiated.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Murphy	Negotiating before filing.
7-24-91	Clow Valve Co.	Const. Permit Denial	AQ	Landa	Negotiating before filing.
7-26-91	American Recycling, Inc.	Administrative Order	AQ	Landa	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Landa	Hearing continued. Compliance initiated.
8-05-91	Rethburn Area Solid Waste Comm.	Permit Conditions	SW	Kennedy	Negotiating before filing.
8-12-91	Lemont Ltd.; Lemont International, Inc.	Administrative Order	AQ	Landa	Settled.
8-14-91	Williamsburg, City of	Administrative Order	WW	Hansen	Negotiating before filing.
8-23-91	Wally's Paint Shop	Administrative Order	AQ	Landa	Hearing set for 11/25/91.
8-23-91	Waterloo, City of	Administrative Order	WW	Hansen	Hearing set for 11/15/91.

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8-29-91	Iowa Southern Utilities	Certificate to Construct AQ		Landa	Written testimony filed.
9-03-91	Chalstrom Beach	Administrative Order	WS	Hansen	Hearing set for 1/7/92.
9-04-91	Duane Arnold Energy Center	Permit Condition	WW	Hansen	Negotiating before filing.
9-09-91	Modernfold	Administrative Order	AQ	Landa	Negotiating before filing.
9-09-91	The Rivers Products Company	Administrative Order	AQ	Landa	Negotiating before filing.
9-13-91	GSE, Limited	Administrative Order	AQ/SW	Landa	Negotiating before filing.
9-16-91	Mononoe Co. SLF Agency	Administrative Order	SW	Kennedy	Negotiating before filing.
9-17-91	Westside Park for Mobile Homes	Administrative Order	WW	Hansen	Negotiating before filing.
9-18-91	Eagle Tanning Co.	SWA Revocation	SW	Landa	Settled.
9-23-91	Todd & Sargent, Inc.	Permit Denial	AQ	Landa	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Landa	Negotiating before filing.
9-27-91	Battle Creek, City of	Administrative Order	WS	Hansen	Sent to DIA.
10-02-91	IBP, inc. - Storm Lake	Permit Conditions	WW	Hansen	Negotiating before filing.
10-22-91	Royal Oaks Court	Administrative Order	WS	Hansen	Negotiating before filing.
10-23-91	Parker Hannifin Corp.	Permit Conditions	WW	Hansen	Negotiating before filing.
10-23-91	Don Stickle & Sons Farms, Inc.	Administrative Order	WW	Murphy	Settled.
10-23-91	Young Radiator Co.	Administrative Order	WW	Hansen	New case.
10-25-91	Rex Shaha	Administrative Order	FP	Clark	New case.
10-28-91	William & Debra Lynch	Administrative Order	FP	Clark	New case.
10-30-91	West Liberty, City of	Permit Conditions	WW	Hansen	Negotiating before filing.

Mr. Stokes gave a detailed explanation of each report. He pointed out that on the Variance Report, No. 4 should be listed as "Denied" rather than "Approved."

A lengthy discussion followed regarding various items in the reports.

Mr. Stokes stated that in response to Commissioner Mohr's question at last month's meeting in regard to UST cleanup costs, the department does not routinely gather data as far as our collection system on the cost of cleanup. That information has been requested from the UST Insurance Board and will be provided next month. He noted that the UST Board is working to set a table of usual, reasonable and customary rates.

Mr. Stokes stated that another request at last month's meeting was for staff to check on compliance status of people paying temporary toxics fees. He noted that that is something his staff will not be able to do as there is not staff resources to do it and it would be more of an audit type function. He added that spot checks will be made when the payments are received.

Discussion followed regarding staff needed to implement the Clean Air Act amendments.

Nancylee Siebenmann stated that she recognizes that there is not enough staff to do a thorough monitoring of air toxics, but she feels that spot monitoring should be done in geographic rotation so some assurance can be given to the people that there are no major problems with clean air. She added that something is better than nothing in that area since there will be a void until the Clean Air Act is initiated.

Mr. Stokes stated that some industries are stepping forward and indicating they want to work with the department and deal with the air toxics issue now, but the issue of monitoring deals with resources that the department does not have.

Additional discussion took place in regards to individual cases on the referral, enforcement and penalty reports.

Margaret Pahl stated that when cases are settled, it would be nice to know when and how they were settled. She asked if that information could possibly be added to the referrals report.

This was an informational item; no action was required.

PUBLIC PARTICIPATION

Chairperson Hartsuck announced public participation at 10:55 a.m.; the following individual requested to speak.

L.D. Palmer

L.D. Palmer, Iowa Division of American Water Works Association, addressed the Commission stating that he is representing the Water Utility Council as well as the Water Works Association. The Water Utility Council represents utilities in the State of Iowa on legislative and regulatory issues. He stated that he would like to speak in favor of the DNR legislative issues before the Commission and to share the perspective of a mid-sized water utility. He noted that he would like to discuss drinking water industry concerns before they become problems. Mr. Palmer stated that in 1974, the Safe Drinking Water Act was promulgated and the water utility industry became regulated. This act established maximum contaminant levels (MCLs) as the enforceable standards upon which water samples are judged for compliance with the regulations. Congress required EPA to establish standards for 83 contaminants by 1989, to be promulgated by 1992. EPA plans to add 25 contaminants to the list every three years beginning in 1991. Mr. Palmer noted that it is anticipated that by the year 2000, water utilities will be required to monitor and test for nearly 200 different contaminants. He added that significant new federal regulations have been promulgated with the Surface Water Treatment Rule, the Lead and Copper Rule, and the Synthetic and Volatile Organic Chemical Rule known as Phase II. The state primacy agency has been allowed 18 months to write the state versions of these regulations. He urged each Commissioner to review the three education guides previously mentioned in Director Wilson's report. Mr. Palmer stated that the Safe Drinking Water Act allows states to enforce the federal law at state level provided that state requirements are at least as stringent as the federal law. States also have the latitude to impose stricter rules if it is deemed in the best interest of water consumers in that particular area. In Iowa, DNR not only administers the drinking water program and serves as a regulatory agency but also serves as an advisor to drinking water suppliers, provides public information and education programs, monitoring programs, and assistance with rulemaking. He stated that although every single water utility in the state has not always seen eye-to-eye with the DNR, the department has become a valuable resource to utility managers and operators who have turned to the DNR for questions requiring technical advice and interpretation of the regulations. Mr. Palmer noted that even though state primacy is not an issue before the Commission today, he feels it is very important to the drinking water industry to maintain this relationship with the DNR and retain primacy within Iowa. He added that funding for the drinking water program may become an issue in the near future in light of the state's current budgetary constraints. Mr. Palmer reviewed current cost-sharing programs in the state and related that the water utilities are willing to work with industry and regulators to seek innovative ways of funding the Iowa drinking water program. He added that the Water Utility Council supports the department's Environmental Trust Fund legislative proposal with the suggestion

that a fifth account be included for Operator Certification Funds.

Discussion followed regarding funding and the possibility of losing primacy.

NOTICE OF INTENDED ACTION--CHAPTER 136, UNDERGROUND STORAGE TANKS
NEW FINANCIAL RESPONSIBILITY DATE FOR LOCAL GOVERNMENTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department requests approval of a Notice of Intended Action to amend Chapter 136, "Financial Responsibility for Underground Storage Tanks." This amendment changes the compliance date for local governments to meet financial responsibility requirements.

A change in federal underground storage tank rules has extended the compliance date for all local government entities to show financial responsibility. No new compliance date has been established. Instead, local governments are not required to show compliance until one year after new federal mechanisms are promulgated. Adoption of the rule change will keep Iowa's rules consistent with federal rules as required in Iowa Code section 455B.474.

One public hearing is scheduled for January 7, 1992 at 10:00 AM in the east half of the fifth floor conference room, Wallace State Office Building in Des Moines. Written comments are due by January 10, 1992.

ENVIRONMENTAL PROTECTION COMMISSION
Notice of Intended Action

Pursuant to the Authority of the Iowa code section 455B.474, the Environmental Protection Commission gives notice of intended action to adopt an amendment to Chapter 136, "Financial Responsibility for Underground Storage Tanks."

The amendment adds a new subrule 136.2(5) that extends the compliance date for local government entities to show financial responsibility to one year from the date federal rules are promulgated that add new financial assurance mechanisms for local governments. This rule adopts changes made in the federal underground storage tank regulations.

Any interested party may file a written statement of position on the subjects covered by these rules no later than January 10, 1992. These written comments should be directed to Keith Bridson, Iowa Department of Natural Resources, 900 East Grand Avenue, Des Moines, Iowa 59019-0034, FAX 515/281-8895. Persons or organizations are invited to present written or oral comments at a public hearing on these rules which will be held January 7, 1992 at 10:00 AM, east half, fifth floor conference room, Wallace State Office Building, 900 East Grand Ave., Des Moines, Iowa.

These rules are intended to implement Iowa code section 455B.474.

ITEM 1. Amend subrule 136.2(4) and add a new subrule as follows:

136.2(4) All petroleum UST owners not described in subrules 136.2(1) to 136.2(3), ~~including all local government entities~~; October 26, 1991.

136.2(5) All local government entities: one year from the date federal rules are promulgated with additional mechanisms for local government entities to comply with financial responsibility requirements for underground storage tanks containing petroleum.

Mr. Stokes gave an explanation of the rules.

Brief discussion followed.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 136, Underground Storage Tanks New Financial Responsibility Date for Local Governments. Seconded by Margaret Prah. Motion carried unanimously.

NOTICE OF INTENDED ACTION--CHAPTERS 60 AND 64, STORMWATER DISCHARGE PERMITS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

At the October meeting, EPC members were provided with a packet containing the following four items:

1. Proposed rule revisions to Chapters 60 and 64 for the administration of storm water discharge permits in Iowa's NPDES permit program incorporating the use of general permitting for storm water discharges;

2. A draft general permit for storm water discharges entitled:

General Permit #0001
"Storm Water Discharge Associated with Industrial Activity"

3. A Notice of Intent form to apply for coverage under General Permit #0001; and,

4. A permit fee analysis report.

New federal regulations require that storm water discharges from certain activities and facilities be permitted through the NPDES wastewater permit program. Legislative action in 1991 gave the department authority to issue general permits for storm water discharges. Items 1 through 3 listed above are being proposed for rule making to administer and conduct NPDES permitting for storm water discharges either as individual permits or through the use of a general permit. The rules include fees for storm water discharge permits commensurate with program costs.

The Commission is requested to approve publication of a Notice of Intended Action for hearings to be held between January 3 and 10, 1992 at Des Moines, Davenport, Storm Lake, Council Bluffs, Waterloo and Mason City. Comments on the proposed rules will be accepted through January 13, 1992.

(Rule is shown on the following 20 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.103A 455B.173, and 455B.105, the Environmental Protection Commission proposes to amend 567--Chapter 60 "SCOPE OF TITLE--DEFINITIONS--FORMS--RULES OF PRACTICE" and 567--Chapter 64 "WASTEWATER CONSTRUCTION AND OPERATION PERMITS".

These amendments provide for the administration and implementation of a NPDES permit program for storm water discharges as required under 40 CFR Parts 122, 123, 124, and 126. The proposed rules introduce the use of a general NPDES permit for storm water discharges as provided in House File 661, 1991 Acts, as an optional type of permit in lieu of an individual NPDES permit.

The amendments to Chapter 60 include updating the SCOPE OF TITLE, DEFINITIONS AND FORMS TO BE USED for the department's wastewater program. The amendments to Chapter 64 differentiate permitting procedures between an individual and general NPDES permit. In addition, the proposed rules contain specific procedures for applying for an individual NPDES permit or applying for coverage under a general permit, permit modification, public notification and publication participation procedures in the permitting process, and reissuance procedures for individual and general NPDES permits. A fee schedule consisting of permit application fee and a permit fee are proposed for both individual NPDES permits and coverage under the general permit for storm water discharges.

The proposed Chapter 64 rules include adoption by reference of General Permit #0001 *"Storm Water Discharges Associated with Industrial Activity"* and an application form for applying for coverage under the general permit. This application form is called a Notice of Intent, Form 542-1415. Copies of these documents have been filed with the Code Editor and will be available upon request from the Department of Natural Resources.

The Department of Natural Resources will conduct six public hearings to receive comments on these proposed rules. They will be held at the following times and places:

- January 3, 1992, at 10 a.m. in the Auditorium of the Wallace State Office Building, 900 E. Grand Avenue, Des Moines, Iowa;
- January 7, 1992, at 4 p.m. at the Community Room (2nd floor), City Hall, 620 Erie Street, Storm Lake, Iowa;
- January 8, 1992, at 10 a.m. in the Council Chambers, City Hall, 9 S. Delaware, Mason City, Iowa;
- January 8, 1992, at 7 p.m. in the Council Chambers (2nd floor), City Hall, 715 Mulberry, Waterloo, Iowa;
- January 9, 1992, at 1 p.m. in the public library (meeting room A), 321 Main Street (corner of 4th and Main), Davenport, Iowa; and,

-January 10, 1992, at 1 p.m. in the mini-auditorium of the Community Hall (room 018A), 205 South Main Street, Council Bluffs, Iowa.

Persons wishing to make written comments concerning this proposal should mail or FAX the comments to Monica Wnuk, Department of Natural Resources, Environmental Protection Division, 900 E. Grand Avenue, Des Moines, IA 50319-0034, FAX (515)281-8895, through January 13, 1992.

This proposed rule may impact on small business.

These rules are intended to implement Iowa Code section 455B.103A and section 455B.105(11)(a) as amended by 1991 Iowa Acts, House File 661.

The following amendments are proposed.

Amend 567-Chapter 60 as follows:

ITEM 1. Amend third unnumbered paragraph of rule 567-- 60.1(455B, 17A) to read as follows:

Chapter 61 contains the water quality standards of the state, including classification of surface waters. Chapter 62 contains the standards or methods for establishing standards relevant to the discharge of pollutants to waters of the state. Chapter 63 identifies monitoring, analytical and reporting requirements pertaining to specific permits for the operation of wastewater disposal systems. Chapter 64 contains the standards and procedures for obtaining construction, operation and discharge permits for wastewater disposal systems other than those associated with animal-feeding operations. Chapter 65 specifies minimum waste control requirements and permit requirements for animal-feeding operations. Chapter 66 specifies restrictions on pesticide application to waters. Chapter 68 contains standards and licensing requirements applicable to commercial septic tank cleaners. Chapter 69 specifies guidelines for private sewage disposal.

ITEM 2. Amend rule 567--60.2(455B) by adding the following definitions in alphabetical order:

"General permit" means an NPDES permit issued to a class of facilities which could be conditioned and described by a single permit. DNR's statutory authority for general permits is restricted to storm water discharges pursuant to 455B.103A of the Iowa Code.

"Storm water" means storm water runoff, snow melt runoff and surface runoff and drainage. (Note: Agricultural storm water runoff is excluded by Federal regulation 40CFR 122.3(e)).

"Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in subparagraphs (i) through (x) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For the categories of industries identified in subparagraph (xi), the term includes only storm water discharges from all areas listed in the previous sentence (except access roads) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated that meet the description of the facilities listed in this paragraph (i)-(xi)) include those facilities designated under 40 CFR 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this definition:

(i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this paragraph);

(ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28, 29, 30, 311, 32, 33, 3441, 373;

~~(iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral~~
industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(1)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or

waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;

(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

(v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;

(vi) Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42, 44, and 45 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance. (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i)-(vii) or (ix)-(xi) of this subsection are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;

(x) Construction activity including clearing, grading and excavation activities except: operations that result in the disturbances of less than five acres of total land area which are not part of a larger common plan of development or sale;

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 31 (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-24, (and which are not otherwise included within categories (i)-(x));

"Storm water point sources" means point sources that serve to collect, channel, direct, and convey storm water and which are subject to Section 402(p) of the federal Clean Water Act and Parts 122, 123, and 124 of title 40 of the Code of Federal Regulations.

ITEM 3. Amend subrule 567--60.3(2) as follows:

567--60.3(2) *Operation permit application forms.*

a. Form 30 - public or private domestic sewerage systems 542-3220

b. Form 31 - treatment agreement 542-3221

~~*c.* Form 32 - industrial, manufacturing or commercial systems~~

~~*d.* Form 33 - confinement animal feeding operation 542-3224~~

~~*e.* Form 34 - open feedlots 542-3225~~

d. Form 1 - general information for industrial, manufacturing or commercial systems 542-1376 (For storm water discharges EPA Form 3510-1, also referred to as EPA Form 1, may be used).

e. Form 2 - facilities which do not discharge process wastewater - industrial, manufacturing or commercial systems 542-1377. (For storm water discharges EPA Form 3510-2E, also referred to as EPA Form 2E, may be used).

f. Form 3 - facilities which discharge process wastewater existing sources - industrial, manufacturing, and commercial systems 542-1378. (For storm water discharges EPA Form 3510-2C, also referred to as EPA Form 2C, may be used).

g. Form 4 - facilities which discharge process wastewater - new sources - industrial, manufacturing or commercial systems 542-1379. (For storm water discharges EPA Form 3510-2D, also referred to as EPA Form 2D, may be used).

h. EPA Form 2F (EPA Form 3510-2F) - application for NPDES individual permit to discharge storm water discharges associated with industrial activity.

i. Notice of Intent for Coverage Under Storm Water NPDES General Permit #0001 "Storm Water Discharge Associated with Industrial Activity" 542-1415.

ITEM 4. Amend subrule 567--60.4(2) paragraph "b" as follows:

b. Amendments. A permittee seeking an amendment to its operation permit shall make a written request to the department which shall include the nature of the requested amendment and the reasons therefor. A variance or amendment to the terms and conditions of a general permit shall not be granted. If a variance or amendment to a general permit is desired, the applicant must apply for an individual permit following the procedures in 64.3(4)"a".

Amend 567--Chapter 64(455B) as follows:

ITEM 5. Amend subrule 567--64.1(4) as follows:

64.1(4) *"Operation permit"* means a written permit by the director authorizing the operation of a wastewater disposal system or part thereof or discharge source, and, if applicable, the discharge of wastes from said disposal system or part thereof or discharge

source to waters of the state. An operation permit will be issued as an NPDES permit if the regional administrator has approved the department's NPDES program and an NPDES permit is required for the disposal system.

ITEM 6. Amend subrule 64.2(8) paragraph "a" as follows:

a. Storm sewers or storm water disposal systems that transport only surface storm water runoff.

ITEM 7. Amend subrule 64.3(1) paragraph "f" as follows:

f. Any discharge of pollutants directly to another waste disposal system for final treatment and disposal, with the exception of storm water point sources. (This exclusion from requiring an operation permit applies only to the actual addition of materials into the subsequent treatment works. Plans or agreement to make such additions in the future do not relieve dischargers of the obligation to apply for and receive permits until the discharges of pollutants to navigable waters are actually eliminated. It also should be noted that, in all appropriate cases, pretreatment standards promulgated by the administrator pursuant to section 307(b) of the Act and adopted by reference by the commission and other pretreatment standards and requirements must be complied with.)

ITEM 8. Add a new subparagraph 4 to subrule 567--64.3(1)h as follows:

(4) Storm water discharges associated with industrial activity as defined in 567--Chapter 60(455B).

ITEM 9. Amend subrule 567--64.3(4) by creating new subparagraphs a and b as follows:

567--64.3(4) Applications.

a. Individual permit. Except as provided in 64.3(4)"b" or 64.3(4)"c", Applications for operation permits required under 64.3(1) and 64.3(2) must be made on forms provided by the department. The application for an operation permit under 64.3(1) shall be filed at least one hundred eighty (180) days prior to the date operation is scheduled to begin unless a shorter period of time is approved by the director. Permit applications for a new discharge of storm water associated with construction activity as defined in 567--Chapter 60(455B) under "storm water discharge associated with industrial activity" must be submitted at least 30 days before the date on which construction is to commence. Applications submitted to the department must be accompanied by the appropriate permit fee as specified in rule 64.16. The director shall issue operation permits for applications filed pursuant to 64.3(1) within ninety (90) days of the receipt of a complete application unless the application is for an NPDES permit or unless a longer period of time is required and the applicant is so notified. The director may require the submission of additional information deemed necessary to evaluate the application. If the application is incomplete or otherwise deficient, processing of the application shall not be completed until such time as the applicant has supplied the missing information or otherwise corrected the deficiency.

b. General permit. A Notice of Intent for coverage under a general permit must be made on the appropriate form provided by the department listed in 60.3(2) and in accordance with 64.6. A Notice of Intent must be received by the department according to the following:

(1) for existing storm water discharges associated with industrial activity, within one hundred eighty (180) days of the effective date of the general permit,

(2) for new storm water discharges associated with industrial activity, with the exception of construction activities, one hundred eighty (180) days prior to the date operation is scheduled to begin, or

(3) for new discharges of storm water associated with construction activity as defined in 567--Chapter 60(455B) under "storm water discharge associated with industrial activity", at least 30 days before the date on which construction is to commence.

c. Group permit applications. Group applications identified in 40 CFR Part 122.26(c)(2) that were submitted and approved by the U.S. Environmental Protection Agency will be accepted by the department as an application for a NPDES permit for a storm water discharge associated with industrial activity. A copy of the group permit application does not need to be submitted to the department. The department will notify a participant in a group application of the required application and permit fees as specified in rule 64.16.

ITEM 10. Amend the title of subrule 567--64.3(5) as follows:

64.3(5) Requirements for industries that discharge to another disposal system *except storm water point sources.*

ITEM 11. Amend subrule 567--64.3(7) as follows:

64.3(7) Operation permits may be granted for any period of time not to exceed five (5) years. Applications for renewal of an operation permit must be submitted to the department one hundred eighty (180) days in advance of the date the permit expires. General permits will be issued for a period not to exceed five (5) years. Each permit to be renewed shall be subject to the provisions of all rules of the department in effect at the time of the renewal.

ITEM 12. Amend subrule 567--64.3(8) by adding the following new paragraph "e":

e. Storm water discharge associated with construction activity. In the case of a storm water discharge associated with construction activity, either the owner of the site or the general contractor.

ITEM 13. Amend subrule 567--64.3(11) as follows:

64.3(11) The director may ~~modify~~, suspend or revoke any individual operation permit or coverage under a general permit for cause. Except for general permits, the director may modify in whole or in part any individual operation permit for cause. A variance or modification to the terms and conditions of a general permit shall not be granted. If a variance or modification to a general permit is desired, the applicant must apply for an individual permit following the procedures in 64.3(4)"a".

Cause for modification, suspension or revocation of a permit includes the following:

- a. (No change)
- b. (No change)
- c. (No change)
- d. (No change)
- e. Failure or refusal of an NPDES permittee to carry out the requirements of 64.6~~7~~(5)"c"
- f. Failure to provide all the required application materials.

ITEM 14. Amend rule 567--64.4(455B) as follows:

567--64.4(455B) Issuance of NPDES permits.

64.4(1) Individual permit. ~~If the administrator has approved the department's NPDES program, t~~The director shall, when an operation permit expires and an NPDES permit is required for the discharge, and, upon proper application, issue an individual NPDES permit in accordance with 64.5(455B), to 64.7(455B), 64.8(1)(455B) and 64.9(455B).

64.4(2) General permit.

a. The director may issue general permits which are consistent with 64.4(2)"b" and the requirements specified in 64.6(455B), 64.7(455B), 64.8(2)(455B), and 64.9(455B) for the following activities:

(1) Storm water point sources requiring a NPDES permit pursuant to Section 402(p) of the federal Clean Water Act and 40 CFR 122.26.

(2) Reserved.

b. Each general permit issued by the department must:

(1) be adopted as a departmental rule in accordance with Chapter 17A of the Iowa Code, the Administrative Procedures Act. Each proposed permit will be accompanied by a fact sheet setting forth the principal facts and methodologies considered during permit development.

(2) correspond to existing geographic or political boundaries, and,

(3) be identified in 567--64.15.

c. If a NPDES permit is required for an activity covered by a general permit, the applicant may seek either general permit coverage or an individual permit. Procedures and requirements for obtaining an individual NPDES permit are detailed in 567-64.3(4)"a"(455B). Procedures for filing a Notice of Intent for coverage under a general permit are described in 567--64.6 "Completing a Notice of Intent for Coverage Under a General Permit".

ITEM 15. Amend the title to rule 567--64.5 as follows:

567--64.5(455B) Notice and public participation in the individual NPDES permit process.

ITEM 16. Renumber existing rule 567--64.6 as 567--64.7, add the following new 567--64.6, renumber existing 567--64.7 through 567--64.13 as 567--64.8 through 567--64.14, respectively, renumber existing 567--64.14 as 567--64.17, and renumber existing 567--64.15 as 567--64.18.

567--64.6(455B) Completing a Notice of Intent for Coverage Under a General Permit.

64.6(1) Contents of a Complete Notice of Intent. An applicant proposing to conduct activities covered by a general permit shall file a complete Notice of Intent by submitting to the department materials required in 64.6(1)"a", "b" and "c".

a. Notice of Intent Application Form. The following Notice of Intent forms must be completed for the corresponding general permit.

(1) *General Permit #0001 "Wastewater Discharges Associated with Industrial Activity"*, Form 542-1415, containing the following information:

1. Name, mailing address, and location of the facility and owner for which the notification is submitted;

2. Up to four 4-digit SIC codes that best represent the principal products or activities provided by the facility;

3. The operator's name, address, telephone number, ownership status and status as Federal, State, private, public or other entity;

4. The 1/4 section, township, range and county, or the latitude and longitude of the facility;

5. The type of discharge (new or existing), whether or not the discharge is to a municipal separate storm sewer, the date the discharge is to commence, the permit status of the discharge, the name of the receiving water(s); and

6. Existing quantitative data describing the concentration of pollutants in storm water discharges;

7. For construction sites that need a storm water discharge permit, in addition to the information required above, include a brief description of the project, estimated timetable for major activities, and an estimate of the number of acres of the site on which soil will be disturbed. Applicants must coordinate their projects with county Soil and Water Conservation Districts to ensure compliance with section 467A.64 of the Code of Iowa.

(2) Reserved.

b. General Permit Fee. The general permit fee according to the schedule in 64.16 payable to the Department of Natural Resources.

c. Public Notification. The following public notification requirements must be completed for the corresponding general permit.

(1) General Permit #0001 "Wastewater Discharges Associated with Industrial Activity".

A demonstration that a public notice was published in at least two newspapers with the largest circulation in the area in which the facility is located or the activity will occur. The newspaper notices shall appear in the following format:

PUBLIC NOTICE OF STORM WATER DISCHARGE

The (*applicant name*) plans to submit a Notice of Intent to the Iowa Department of Natural Resources to be covered under NPDES General Permit #0001 "Storm Water Discharges Associated with Industrial Activity". The storm water discharge will be from (*description of industrial activity*) located in (*1/4 section, township, range, county*). Storm water will be discharged from (*number*) point source(s) and will be discharged to the following streams: (*stream name(s)*).

Comments may be submitted to the Storm Water Discharge Coordinator, IOWA DEPARTMENT OF NATURAL RESOURCES, Environmental Protection Division, 900 E. Grand Avenue, Des Moines, IA 50319-0034. The public may review the Notice of Intent from 8:00 AM to 4:30 PM, Monday through Friday, at the above address after it has been received by the department.

(2) Reserved.

64.6(2) *Department approval of coverage under a general permit.* The applicant will receive notification by the department of coverage under the general permit. If any of the items required for filing a Notice of Intent specified in 64.6(1) are missing, the department will consider the application incomplete and will notify the applicant of the incomplete items.

64.6(3) *General permit suspension or revocation.* In addition to the causes for suspension or revocation which are listed in 64.3(11), the director may suspend or revoke coverage under a general permit issued to a facility or a class of facilities for the following reasons and require the applicant to apply for an individual NPDES permit in accordance with 64.3(4)"a":

a. The discharge would not comply with Iowa's water quality standards pursuant to 567--Chapter 61, or,

b. The department finds that the activities associated with a Notice of Intent filed with the department do not meet the conditions of the general permit. The department will notify the affected discharger and establish a deadline, not longer than one year, for submitting an individual permit application.

64.6(4) *Eligibility for individual permit holders.* A person holding an individual NPDES permit for an activity covered by a general permit may apply for coverage under a general permit prior to expiration of the individual permit expires by filing a Notice of Intent according to procedures described in 64.3(4)"b".

64.6(5) *Filing a Notice of Discontinuation.* A notice to discontinue the activity covered by the NPDES general permit shall be made in writing to the department 30 days prior to or after discontinuance of the discharge. The letter should contain the following:

- a.* the name of the facility to which the permit was issued;
- b.* the general permit number and permit authorization number, and,
- c.* the date the permitted activity was, or will be, discontinued.

ITEM 17. To the renumbered rule 567--64.7 amend subrule 64.7(5) as follows:

64.7(5) *Other terms and conditions of issued NPDES permits.* Each issued NPDES permit shall provide for and assure the following:

a. That all discharges authorized by the NPDES permit shall be consistent with the terms and conditions of the permit; that facility expansions, production increases, or process modifications which result in new or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such discharge does not violate effluent limitations specified in the NPDES permit, by submission to the director of notice of such new or increased discharges of pollutants; that the discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the terms and conditions of the permit; that if the terms and conditions of a general permit are no longer applicable to a discharge, the applicant shall apply for an individual NPDES permit;

ITEM 18. To the renumbered rule 567--64.8 amend 64.8 as follows:

567--64.8(455B) Reissuance of NPDES permits.

64.8(1) *Individual NPDES permits.* Individual NPDES permits will be reissued according to the procedures identified in 64.8"a" through 64.8(1)"c".

a. Any state NPDES permittee who wishes to continue to discharge after the expiration date of the permit shall file an application for reissuance of the permit at least one hundred eighty (180) days prior to the expiration date of the permit. The application may be a simple written request. However, the applicant for reissuance must submit or have submitted information to show:

a-(1) That the permittee is in compliance or has substantially complied with all the terms, conditions, requirements and schedules of compliance of the expiring NPDES permit.

b-(2) Up-to-date information on the permittee's production levels, permittee's waste treatment practices, nature, contents, and frequency of permittee's discharge.

c-(3) That the discharge is consistent with applicable effluent standards and limitations, water quality standards and other legally applicable requirements listed in 64.67(2), including any additions to, or revision or modifications of such effluent standards and limitations, water quality standards, or other legally applicable requirements during the term of the permit.

~~64.7(2)~~b. The director shall follow the notice and public participation procedures specified in 64.5(455B) in connection with each request for reissuance of an NPDES permit.

~~64.7(3)~~c. Notwithstanding any other provision in these rules, any new point source the construction of which is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 (October 18, 1972) and which is so constructed as to meet all applicable standards of performance for new sources shall not be subject to any more stringent standard of performance during a ten (10)-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1954, as amended through December 31, 1976, whichever period ends first.

64.8(2) *Renewal of coverage under a general permit. Coverage under a general permit will be renewed subject to the terms and conditions in 64.8(2) "a" through "c".*

a. If a permittee intends to continue an activity covered by a general permit beyond the expiration date of the general permit, the permittee must reapply and submit a complete Notice of Intent as follows:

(1) For storm water discharge associated with industrial activity, complete Notice of Intent requirements are listed in and 64.6(1).

(2) Reserved.

b. A complete Notice of Intent must be submitted to the department within one hundred eighty (180) days after the effective date of a reissued or renewed general permit.

c. A person holding a general permit is subject to the terms of the permit until it expires or a Notice of Discontinuation is submitted in accordance with 567--64.6(5). If the person holding a general permit continues the activity beyond the expiration date, the conditions of the general permit in effect at the time of permit expiration will prevail but the discharge will not be permitted. If the person continues an activity for which the general permit has expired and the general permit has not been reissued, the discharge must be permitted with an individual NPDES permit according to the procedures in 64.3(4)"a".

ITEM 19. Amend the renumbered 567--64.13 as follows:

567--64.13(455B) Separate storm sewers. The following is adopted by reference: 40 CFR 122.26 as promulgated September 26, 1984 (49 FR 38050) November 16, 1990 and amended March 21, 1991 (56 FR 12098).

ITEM 20. Amend the renumbered 567--64.14(455B) as follows:

If title to any disposal system or part thereof for which a permit has been issued under 64.2(455B), ~~or 63.3(455B)~~ or 64.6 is transferred, the new owners shall be subject to all terms and conditions of said permit. Whenever title to a disposal system or part thereof is changed, the department shall be notified of such change within thirty (30) days.

Rules 64.3 to 64.145 are intended to implement Iowa Code section 455B.173.

ITEM 21. Add new rule 567--64.15 as follows:

567-64.15 General permits issued by the department. The following is a list of general permits adopted by the department through the Administrative Procedures Act, Chapter 17A of the Iowa Code, and the term of each permit.

64.15(1) Storm Water Discharges Associated with Industrial Activities, NPDES General Permit #0001, (Note to Code Editor: Date to be inserted at time of adopted rule).

64.15(2) Reserved.

ITEM 22. Add new rule 567--64.16 as follows:

567--64.16 Fees.

64.16(1) A person who applies for an individual permit or coverage under a general permit to construct, install, modify or operate a disposal system shall submit along with the application an application fee and a permit fee as specified in 567--64.16(3). Fees shall be assessed based on the type of permit coverage the applicant requests, either as general permit coverage or as an individual permit. At the time the application is submitted, the applicant has the option of paying an annual permit fee or a five-year permit fee.

Fees are not refundable and are non-transferable; however, if the application is returned to the applicant by the department, the application fee will be retained but the permit fee will be returned. No fees will be returned if the permit or permit coverage is suspended, revoked, or modified, or if the activity is discontinued. Failure to submit the appropriate application fee and permit fee renders the application incomplete and the department shall suspend processing of the application until the fee is received.

64.16(2) *Payment of fees.* Fees shall be paid by check or money order made payable to the "Iowa Department of Natural Resources".

64.16(3) *Fee schedule.* The following fees have been adopted:

- a. For coverage under the NPDES General Permit the following fees apply:

(1) Storm Water Discharge Associate with Industrial Activity, NPDES General Permit #0001,

Application Fee..... \$100
Annual Permit Fee..... \$150
Five-year Permit Fee..... \$450

(2) Reserved.

b. Individual NPDES Permit Fees. The following fees are applicable for the described individual NPDES permit:

(1) for storm water discharge associated with industrial activity, submitted on Form 2F, where the storm water is composed entirely of storm water or combined with process wastewater or other non-storm water wastewater.

Application Fee..... \$150
Annual Permit Fee..... \$300
Five-year Permit Fee..... \$1,250

(2) for storm water discharge from large and medium municipal separate storm sewers (systems serving a population of 100,000 or more).

Application Fee..... \$150
Annual Permit Fee..... \$300
Five-year Permit Fee..... \$1,250

Date

Larry J. Wilson, Director

Mr. Stokes gave an explanation of the rules.

Motion was made by Margaret Prah1 to approve Notice of Intended Action--Chapters 60 & 64, Stormwater Discharge Permits. Seconded by Nancylee Siebenmann.

Discussion followed regarding what kind of impact the rules will have on cities.

Rozanne King asked what entities, groups or individuals would fall under the requirements of the rules.

Mr. Stokes stated that pages 3-6 of the rule list the types of activities that would be covered. Others who are regulated under these rules may depend on the classification and nature of activity. He added that transportation is one of the more difficult areas to understand.

Vote on Commissioner Prah1's motion carried unanimously.

STATE REVOLVING FUND - INTENDED USE PLAN (FY 92)

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The commission is requested to authorize a public hearing on the proposed Intended Use Plan for Fiscal Year 1992 state revolving fund (SRF) assistance for wastewater treatment construction.

A draft Intended Use Plan (IUP) was presented to the commission in October for information. The IUP is the initial step in preparing a grant request for federal funds for the SRF. Opportunity for public input is required by the EPA. The IUP lists the projects proposed for loan assistance with FY 1992 SRF funds. All applications received to date have been included on the list for assistance with anticipated FY 1992 funds.

If approved, a hearing will be scheduled at the earliest practicable time. Notices will be sent to all cities and interested persons or groups. A proposed final IUP will be presented to the commission for approval following the hearing and consideration of any comments or additional applications received.

(SRF Intended Use Plan is shown on the following 14 pages)



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

LARRY J. WILSON, DIRECTOR

NOTICE TO IOWA MUNICIPALITIES
INTERESTED IN LOW INTEREST LOANS
FOR WASTEWATER IMPROVEMENTS

NOTICE OF PUBLIC HEARING - Proposed Intended Use Plan for the administration of a Revolving Loan Fund for wastewater treatment facilities.

The Iowa Department of Natural Resources (DNR) will hold a public hearing on December 16, 1991, beginning at 1:00 p.m. in the 5th floor conference room of the Henry A. Wallace State Office Building, 900 East Grand, Des Moines, Iowa. Comments are invited on the proposed State Revolving Fund Intended Use Plan for the State of Iowa Fiscal Year 1992.

Written comments will be accepted through December 16, 1991. Oral comments may be presented at the hearing. Requests for copies of the Intended Use Plan or written comments may be directed to Wayne Farrand, Supervisor, Wastewater Permits Section, Iowa Department of Natural Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319 (telephone 515/281-8877).

The Intended Use Plan presents the State's administration of a revolving fund for loans to municipalities for wastewater treatment work construction. It includes a list of eligible applicants to date for fiscal year 1992 assistance. The plan was developed pursuant to state rules adopted for this purpose (IAC 567--92(455B)). The final Intended Use Plan will be a part of the State's application for the federal contribution to the revolving fund. It is anticipated that the Environmental Protection Commission will act on a final plan at its January, 1992, meeting.

PROPOSED

STATE REVOLVING FUND INTENDED USE PLAN
FOR THE STATE OF IOWA
FISCAL YEAR 1992

Submitted to the
U.S. Environmental Protection Agency
Region 7

By the
Iowa Department of Natural Resources

November 1, 1991

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I. INTRODUCTION

The State of Iowa herewith submits its Intended Use Plan (IUP) for all funds available in the State Revolving Fund (SRF) during Fiscal Year (FY) 1992. This plan is based on receiving a capitalization grant from the FY 1992 Title VI funds appropriated by the U.S. Congress for the Iowa State Revolving Fund. In addition, the FY 1992 SRF will include the State's required 20% match for this grant. These funds will be added to the SRF funds provided in FY 1989, 1990, and 1991.

II. SRF FUNDS

This Intended Use Plan is based upon federal funds expected to be available for FY 1992 by Congressional appropriation. The Clean Water Act authorized program funding at \$1.2 billion nationally for each of 1989 and 1990 and 2.4 billion for FY 1991. The FY 1992 authorization was 1.8 billion. Until an appropriation is made for FY 1992 and an allotment designated for Iowa, the Intended Use Plan will project an allotment for FY 1992 relative to the FY 1991 actual allotment in the same ratio of the national authorizations by the Clean Water Act. This projection shows a potential capitalization grant of \$20,832,254 available to Iowa in FY 1992. Also available in FY 92 is the balance of Iowa's FY 91 allotment not awarded to the state in the FY 91 SRF capitalization grant in the amount of \$1,201,599. The 20% state match of \$4,406,771 and both sources of capitalization grant funds could provide an addition of \$26,440,624 to the SRF for FY 1992.

Whether the state requests the full capitalization grant and provides the relative state matching funds may depend on the demand and number of loan applications.

III. LIST OF PROJECTS

The management of the state's revolving fund loan program including the development of a priority list of projects for loan assistance has been proposed according to DNR rules 567--92 (455B). With added FY 1992 funds, it is Iowa's intention to assist eight new projects as well as fund the administration of the SRF program. There is no intention to fund (Section 319) nonpoint source projects or (Section 320) estuarine projects in FY 1992 as permitted by Title VI of the Clean Water Act. No projects for municipalities which appear on the National Municipal Policy (NMP) List have been placed on the Loan List for proposed loan assistance to meet "first use" requirements of the Clean Water Act. Projects identified for assistance in FY 1990 and 1991 are shown in Chart 1 Parts 1 and 2.

The total loan needs of all applications submitted by the July 1, 1991 deadline in DNR rules did not exceed the revolving fund that could be provided by the actual FY 1992 allotment of federal funds. Therefore, all applications submitted by July 1, 1991 were listed as proposed loan recipients on Chart 1 Part 3. Applications received after July 1, 1991, through the date of the public hearing on this Intended Use Plan may also be considered for inclusion on the list of recipients for FY 1992 loan assistance. These applicants will be listed on Chart 1

Part 3 in priority order following those applications received by July 1, 1991.

Applicants will be offered loan assistance subject to meeting program requirements.

The state expects to apply for a capitalization grant adequate for the proposed loan projects and related administrative costs. Should additional projects be identified in the future for FY 92 loan assistance, the state will consider providing the necessary matching funds to allow such assistance. EPA would then increase capitalization grant as necessary.

Based on the environmental reviews that have been conducted on the proposed Section 212 projects to date, it is not anticipated that any of these projects will need to undergo development of an Environmental Impact Statement (EIS).

Priority Projects

The Clean Water Act requires that the capitalization grant and the state match funds are first to be used to assure maintenance of progress toward compliance with enforceable deadlines, goals and requirements of the Act, including the municipal compliance deadline. EPA has determined that this first-use has been met when all municipalities on the NMP list are in compliance, on an enforceable schedule, have an enforcement action filed, or have a funding commitment by the end of the year covered by the IUP. This is a onetime determination.

An analysis made of Iowa's NMP municipalities in FY 1989 determined that all have met one of the above criteria. Therefore, Iowa assures maintenance of progress toward compliance with enforceable deadlines, goals, and requirements of the Clean Water Act as expected by Title VI.

To determine which wastewater treatment facility projects should be funded by the SRF, the FY 1992 Project Priority List (PPL) prepared under state rule was reviewed, and the highest priority projects expected to be able to take advantage of SRF funds within the time frame allowed by state rule IAC 567--92 for FY 1992 were identified (see Chart 1, Parts 1, 2 and 3). There are eight projects identified for loan assistance for FY 1992, in addition to twenty-six identified for FY 1990 and 1991 that did not actually receive loan agreements prior to the start of FY 1992. These projects appear on Chart 1 by fiscal year in the order of their ranking as described above on the priority list. No nonpoint source projects (Section 319) or estuarine projects (Section 320) have been proposed for funding from the SRF.

In the event that projects identified for funding in the IUP do not attain readiness for a loan commitment by August 31, 1992, these delayed projects may be bypassed. Other projects may be added to a contingency list (Chart 2) to be funded based on the state's implementing rules for the SRF program (see IAC 567-92). Consideration of the by-pass projects will occur in August of 1992 by the Department

of Natural Resources.

This IUP may be amended as allowed by DNR rules and Section VII of this plan. Because applications received total less than what may be available for Iowa's SRF, the state may consider adding projects to the FY 1992 list (Chart 1 Part 3), should applications be received. Should insufficient funds be available in the SRF to fund all projects listed in Chart 1, projects will be removed from the bottom of the list as necessary and placed on the Contingency List.

Funds reserved for administration costs of the SRF program are shown in Chart 1, Part 4. A reserve for water quality management planning as required by Title VI of the Clean Water Act will be set aside from Iowa's FY 1992 Title VI allotment and granted to the state for this purpose separately from the SRF. This reserve does not appear in this IUP.

IV. LONG-TERM AND SHORT-TERM GOAL STATEMENTS

A. Long-Term Goals

1. Protect the environment, and public health and welfare by ensuring state water quality standards are achieved and maintained; and that waters of the state are not degraded by improperly or inadequately treated municipal wastewaters, or nonpoint pollution sources.
2. Establish a perpetual program to provide financial assistance to communities for the purpose of constructing facilities to properly and adequately treat municipal wastewaters, or abate and control nonpoint pollution sources.
3. Provide a financial assistance program, in the form of loans, which are competitive with private financing options available to communities while assuring the perpetual nature of the program.
4. Allocate financial assistance in a priority manner based upon water quality impacts of the proposed projects.
5. Establish program requirements which are simple, understandable, applicable to all projects, and to the fullest extent possible are not burdensome to the recipients of assistance.
6. Establish mechanisms for funding the on-going administration of the program once federal funding stops.

B. Short-term Goals (to be implemented in FY 1992)

1. Administer the State Revolving Loan Program consistent with federal statute, regulation and guidance; and in accordance with state law and promulgated rules.

2. Commit loan funds to fully fund as many communities as possible in accordance with the state priority rating system, this Intended Use Plan, and available funding in order to assist in the construction of the highest water quality impact projects.
3. Commit 120% of federal capitalization grant funding available this federal fiscal year.
4. Provide state funds through bonding in the amount required to provide the 20% match for available federal allotments in FY 1992.

V. INFORMATION ON THE SRF ACTIVITIES TO BE SUPPORTED

A. Allocation of Funds

Allocation of funds to eligible projects was based on a three-step process:

The amount of financial assistance needed for each application was estimated;

The sources and spending limits for all FY 1992 SRF funds were identified; and

The SRF funds were allocated among the projects, consistent with the amount available and the financial assistance needed.

Information pertinent to each SRF project is contained in Chart 1, pursuant to Section 606(c)(3) of the CWA.

B. SRF Policies

Loan Interest Rate

The interest rate for all loans made from the SRF in FY 1992 will be determined in accordance with state rules and based upon the State's costs for generating required matching funds via bonding (see IAC 567--92.11). Interest rates for projects identified for different fiscal years may vary.

C. Administrative Costs of the SRF

Iowa intends to use SRF funds equivalent to 4% of the Federal capitalization grant funds to pay the costs of administering the State Revolving Fund loan program. Based on the estimated allotment to Iowa from the estimated FY 1992 Title VI appropriation, the State could have \$999,948 available from the FY 1992 revolving fund for administrative support in managing and operating the SRF program. However, the \$790,000 shown on Chart 1, Part 4 and Chart 3 is based on the portion of the available capitalization grant needed for loan applications received to date. A commitment of \$510,626 from FY 1989 funds, \$528,177 from FY 1990 funds, and \$1,062,965 from FY 1991 funds has already been made.

The annual budget for program administration may be less than the 4% allowed by the Clean Water Act for administrative costs. Unused commitments will be reserved for use in later years as necessary.

VI. ASSURANCES AND SPECIFIC PROPOSALS

Iowa will provide the necessary assurances and certifications as part of an Operating Agreement between the State of Iowa and the U.S. EPA. Iowa's Operating Agreement includes the requirements of the following sections of the law:

- 602(a) - Environmental Reviews
The State of Iowa will conduct environmental reviews as specified in the Project Review Procedures attached to the Operating Agreement.
- 602(b)(3) - Binding Commitments
The State of Iowa will enter into binding commitments for 120% of each quarterly payment within 1 year of receipt of that payment.
- 602(b)(4) - Expeditious and Timely Expenditures
The State of Iowa will expend all funds in the SRF in a timely and expeditious manner.
- 602(b)(5) - First Use for Enforceable Requirements
The State of Iowa will assure maintenance of progress toward enforceable deadlines, goals and requirements of the CWA, including the municipal compliance deadline. Maintenance of progress is defined in EPA guidance for the SRF program.
- 602(b)(6) - Compliance with Title II Requirements
The State of Iowa agrees to meet the specific statutory requirements for public owned wastewater projects constructed in whole or in part before FY 1995 with funds directly made available by Federal capitalization grants.

Iowa will meet equivalency requirements using Title II procedures, as included in the State's Construction Grant Delegation Agreement with EPA. State rules require that all Section 212 projects funded under Title VI of the Clean Water Act will meet the Title II requirements specified in Title VI.

VII. CRITERIA AND METHOD FOR DISTRIBUTION OF FUNDS

The following approach was used to develop Iowa's proposed distribution of SRF funds: (1) analysis of the priority communities and financial assistance needed; (2) identification of the sources and spending limits of available funds; (3) allocation of funds among projects; (4) development of a payment schedule which will provide for making timely binding commitments to the projects selected for SRF assistance; and (5) development of a disbursement schedule to pay the project costs as incurred.

A. Priority of Communities and Financial Assistance Needed

Iowa law provides only for loan assistance. The state's SRF rules identify the priority rating system used to establish priorities for loan assistance.

Projects were considered only for loan financing assistance for project costs incurred after a loan commitment. Refinancing is not being considered in FY 1992.

B. Allocation of Funds Among Projects

Once the total amount of funds and spending limits were identified, Chart 3 was prepared showing the amount needed by quarter to meet the binding commitment of each project. These amounts were summarized by quarter and the totals are shown at the bottom of the columns.

Since it was not necessary to provide loan funding to any project to meet the federal "first use" requirement, all projects listed in Chart 1 may be funded from the SRF.

All projects scheduled for funding with Iowa's SRF will be reviewed for consistency with appropriate plans developed under sections 205(j), 208, 303(e), 319 and 320 of the Clean Water Act, as amended. Evidence of this review and finding of consistency will be documented in each SRF project file. Should a project fail to meet this review criteria it may be bypassed as allowed by State rules. Chart 2 provides for contingency projects which may be considered for loan assistance as bypass projects according to state rules without formal amendment of this intended use plan. Projects may be added to Chart 2 in priority order as applications are received.

VIII. METHOD OF AMENDMENT OF THE INTENDED USE PLAN

This intended use plan will be followed by the State in administering SRF funds in FY 1992. Public participation in the development of the IUP is required by EPA. Any revisions of the goals, policies and method of distribution of funds, including the list of loan projects, must be addressed by a revision of the IUP including opportunity for public participation. Minor adjustments in funding schedules, loan amounts and use of bypass provisions including funding of projects on the contingency list are allowed by the procedures of this IUP and state rules for administration of the SRF without public notification.

IX. PUBLIC REVIEW AND COMMENT (Reserved)

Chart 1: FY 92 Intended Use Plan Project - Specific Information

Chart 1 Part 1: FY 90 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
Carlisle	192016-01	25	30		II	901	11/91	4/92	4/93
LeGrand	192018-01	25	30		I	647	3/92	6/92	6/93

Part 1 Total: 1,548

Chart 1 Part 2: FY 91 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
Preston	192012-02	25	30		IVB, I	225	11/91	12/91	4/92
Perry	192008-01	25	30	2.3 NH ₃	I	3428	1/92	6/92	1/94
Adel	192009-02				I	139	12/91	6/92	5/92
Indianola	192021-01	25	30	3.0 NH ₃	I, IVB	1353	12/91	3/92	3/92
Mason City	192022-01	25	30		II	4237	12/91	1/92	10/92
Independence	192017-02	25	30		IVB	372	12/91	6/92	3/92
New Hampton	192023-01	25	30		I	393	12/91	6/92	12/91
Kanawha	192024-01	25	80		I	232	1/92	6/92	3/92
Nora Springs	192025-01	25	30		I	100	3/92	6/92	3/92
Marengo	192026-01	25	80		I	360	12/91	6/92	6/92
Des Moines ICA	192001-03	25	30	5.5 NH ₃	IVB	4908	3/92	3/92	4/92
Ankeny	192030-01	25	30		IVB	965	12/91	7/91	1/92
Avoca	192031-01	25	80		I	415	12/91	6/92	7/92
Melcher-Dallas	192032-01	25	80		IVA, IVB	153	1/92	6/92	7/92
Agency	192033-01	25	30		I	110	12/91	3/92	6/92
Coralville	192034-01	25	30		I	5055	3/92	3/92	1/93
Hawarden	192035-01	25	30		I	98	1/92	3/92	8/92
Missouri Valley	192037-01	25	30		IVA, IVB	267	12/91	6/92	4/92

Chart 1 Part 2 (continued)

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
Anita	192039-01	25	30		IVB	225	1/92	6/92	12/92
Stanton	192040-01	25	80		I	372	12/91	3/92	11/92
Knoxville	192041-01	25	30		IVB	1270	2/92	4/92	11/92
Clinton	192042-01	25	30		I	2964	1/92	6/92	6/93
Farragut	192045-01	25	30		I, IVB	358	12/91	3/92	10/92
Johnston	192046-01	0	0	No Discharge	I, IVB	2185	1/92	4/92	12/92
Sheldon	192054-01	25	30	8.0 NH ₃	I	292	11/91	12/91	1/92

Part 2 Total: 30,476

Chart 1 Part 3: FY 92 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
Perry	192008-02	25	30	2.3 NH ₃	I	894	4/92	9/92	4/93
Coralville	192034-02	25	30		I	1145	4/92	9/92	4/93
Boone	192047-01	25	30	1.6 NH ₃	II	7320	5/92	8/93	12/94
Osceola	192048-01	25	30	6.7 NH ₃	IIIB, IVB	1681	9/92	4/93	4/94
Dubuque	192049-01	25	30		I	4926	3/92	6/92	12/93
Council Bluffs	192050-01	25	30	0.8 TRC	IVB	6606	6/92	7/92	12/92
Sigourney	192051-01	25	80		IAC 91.6	523	7/92	9/92	3/93
Cerro Gordo County	192052-01	25	30		IVA, IVB	1037	7/92	4/93	11/93
Denmark Sanitary District	192044-01	25	30		I, IVA	300	6/92	5/93	10/93
Afton	192053-01	25	80		IIIA	87	7/92	1/93	7/93

Part 3 Total: 24,519

Chart 1 Part 4: Section 603(d)(7) Program Administration

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
PGM-ADM (92)		NA	NA	NA	NA	790	6/92	NA	NA

Part 3 Total: 790

FY GRAND TOTAL: 57,333Key to Need Categories

- I. Secondary Treatment
- II. Treatment more stringent than secondary
- IIIA. Infiltration/Inflow correction
- IIIB. Major sewer system rehabilitation
- IVA. New collectors and appurtenances
- IVB. New interceptors and appurtenances
- V. Correction of combined sewers

Chart 2: FY91 Intended Use Plan Contingency Projects - Specific Information

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					

Key to Need Categories

- I. Secondary Treatment
- II. Treatment more stringent than secondary
- IIIA. Infiltration/Inflow correction
- IIIB. Major sewer system rehabilitation
- IVA. New collectors and appurtenances
- IVB. New interceptors and appurtenances
- V. Correction of combined sewers

Chart 3: Loan List - Projected Binding Commitments by Quarter

Project Name: Community Serve	Project Number	Prior Year	BINDING COMMITMENT								
			Fiscal Year 1992				Fiscal Year 1993				
			QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	
FY90 - Section 212 POTW Projects											
Carlisle	192016-01		901								
LeGrand	192018-01			647							
FY91 - Section 212 POTW Projects											
Preston	192012-02		225								
Perry	192008-02			4000							
Adel	192009-02		139								
Indianola	192021-01		1,353								
Mason City	192022-01		4,237								
Independence	192017-02		372								
New Hampton	192023-01		393								
Kanawha	192024-01			232							
Nora Springs	192025-01			100							
Marengo	192026-01		360								
Des Moines ICA	192001-03			4908							
Ankeny	192030-01		965								
Avoca	192031-01		415								
Melcher-Dallas	192032-01			153							
Agency	192033-01		110								
Coralville	192034-01			5055							

Hawarden		192035-01				98													
Missouri Valley		192037-01				282													
Anita		192039-01								225									
Stanton		192040-01																	
Knoxville		192041-01				372				1270									
Clinton		192042-01								2964									
Farragut		192045-01				358													
Johnston		192046-01								2185									
Sheldon		192054-01				292													
<i>FY92 - Section 212 POTW Projects</i>																			
Perry		192008-02								894									
Coralville		192034-02								1145									
Boone		192047-01								7320									
Osceola		192048-01												1681					
Dubuque		192049-01								4926									
Council Bluffs		192050-01								6606									
Sigouney		192051-01												523					
Cerro Gordo County		192052-01												1037					
Denmark Sanitary District		192044-01								300									
Afton		192053-01												87					

[illegible]

* Includes previous binding commitments to project loans in FY91 and prior as well as PGM-ADM commitments.

Mr. Stokes gave a brief explanation of the plan and asked the Commission to authorize a public hearing for same.

Motion was made by Charlotte Mohr to authorize a public hearing for the State Revolving Fund Intended Use Plan - FY 92. Seconded by Clark Yeager. Motion carried unanimously.

LANDFILL ALTERNATIVE GRANT AWARDS

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

Eighteen grant applications were selected for funding from the round of applications submitted the first Monday in June. Two applicants decided not to accept the grant funds. Three grants are awards of less than \$25,000. Five of the thirteen grants that require Commission approval were approved at the October, 1991 Commission meeting. The Commission is requested to approve the eight remaining contracts at this time.

- 1) Delaware County Vocational Services Center \$110,363

This county-wide project will collect glass, newsprint, and other paper for processing at the Delaware County Vocational Services Center. The grant money is for equipment to be used in both collection and processing activities.

- 2) DAC, Inc. \$ 73,000

Jackson County will purchase equipment for their county-wide recycling center, to enable processing of glass, cardboard, paper, plastics, metal, and newspaper. Hirschman.

- 3) Northwest Iowa Area Solid Waste Agency \$ 84,395

This grant will allow the solid waste agency to expand its material recovery program, presently serving three cities, to include the counties of Sioux, O'Brien, Osceola, Clay, and Lyon. They will also construct a storage building for recycled materials in Sioux County.

- 4) Integrated Environmental Systems \$ 72,152

This project involves siting and operating a facility in Scott or Muscatine County to manufacture fuel from mixed waste paper that can be co-fired with coal. The business owners are Warren Dunham and Jeff Carter.

- 5) Cerro Gordo County Area Solid Waste Agency \$140,000

Cerro Gordo County will build and equip a compost site that will serve the county as well as eleven cities in other counties.

6) Marian Health Center

\$ 75,350

This grant will expand the "Our Home, Earth" program, with an infectious waste reduction education project, procurement of recycled products, and in-house separation, cleaning, and processing of recyclables for the health center, located in Sioux City.

7) Vradenburg Enterprises

\$ 80,000

This grant will be used for a conveying/grinding separator and personnel for recovering and recycling thermoplastics in Lee, Henry and Jefferson counties. The owner of the business is Arthur Vradenburg.

8) Environmental Recycling

\$270,900

This project will establish a materials recovery facility that will serve commercial sectors and possibly residential sectors in Dubuque and surrounding counties. The owner is Diane Ditmer.

A copy of the Scope of Work for each project is on file in the department's Records Center.

Ms. Hay gave a brief explanation of each grant.

Margaret Prah1 stated that she will abstain from discussion and vote on this item as she is a member of the Marian Health Center Board.

Brief discussion followed.

Motion was made by Charlotte Mohr to approve the landfill alternative grant contracts for Delaware County Vocational Services Center, DAC, Inc., Northwest Iowa Area Solid Waste Agency, Integrated Environmental Systems, Cerro Gordo County Area Solid Waste Agency, Marian Health Center, Vradenburg Enterprises, and Environmental Recycling. Seconded by Rozanne King.

Discussion followed regarding an upcoming program in January allowing low/no interest loans.

Nancylee Siebenmann commented that it would be interesting to see a progress report on how previous grantees are doing.

Vote on Commissioner Mohr's motion carried unanimously with the exception of Commissioner Prah1 abstaining.

CONTESTED CASE PROCESS DISCUSSION

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Commission will discuss issues concerning the contested case process. A report is attached. Former Administrative Law Judge Amy Couch will provide her views to the Commission.

FROM: Mike Murphy

SUBJECT: Administrative Appeals

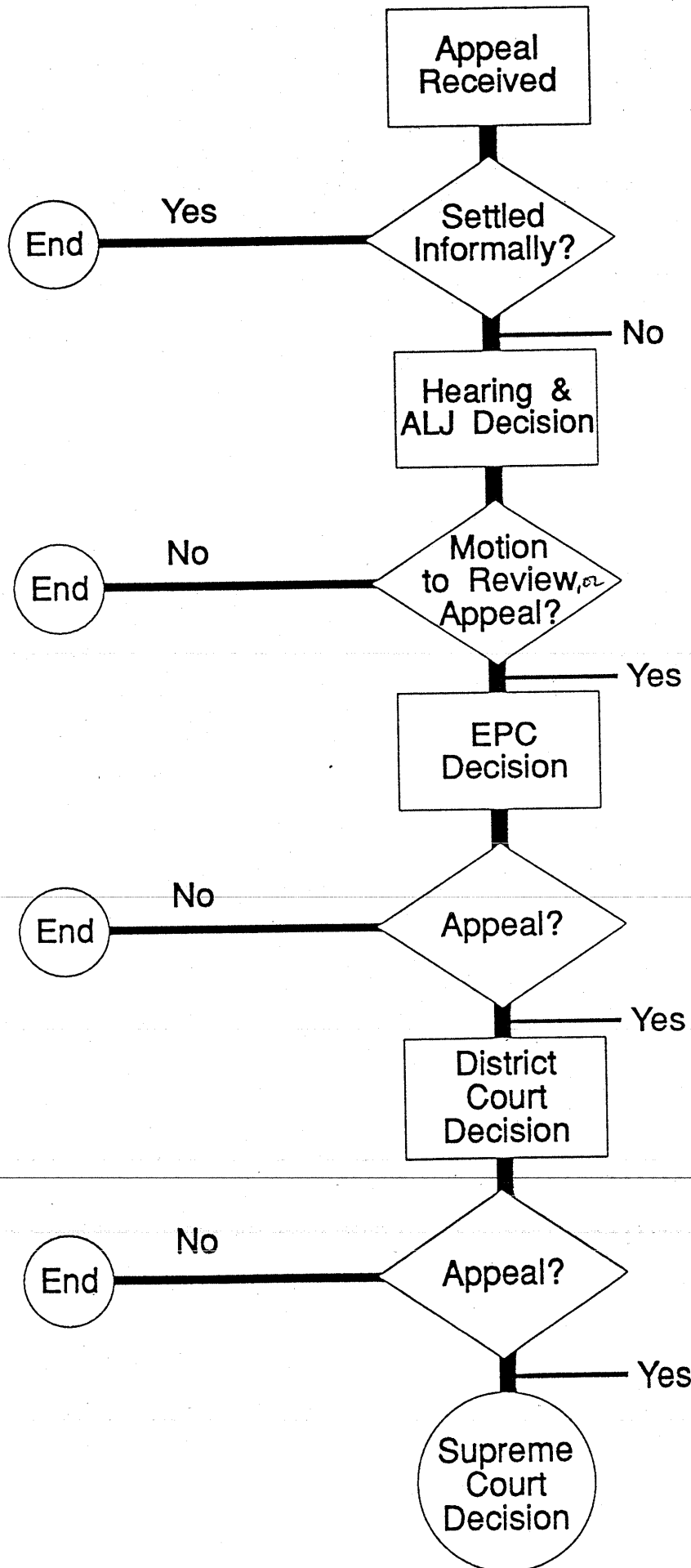
The Commission has requested a report on the administrative appeal process. I was requested to present an overview, and Amy Couch, former ALJ, was requested to provide her thoughts on how the appeal process is working.

I have reviewed the monthly contested case reports for information on appeals filed beginning January 1, 1985, through August 31, 1991. Attached for your reference are 1) a flow chart depicting the administrative appeal process, 2) a table of statistics, and 3) a graphic representation of these statistics. I make the following conclusions from this information:

1. Appeals are steadily increasing, and have nearly tripled since 1985. I believe this reflects the fact that we have steadily increased the number of administrative orders issued, and the advent and implementation of administrative penalties.
2. We resolve the vast majority of appeals prior to hearing. Many cases, roughly one-third, are resolved within three months, and about two-thirds are resolved within one year. Some cases do hang on for some time. This usually occurs in site contamination cleanup cases, where the party appeals in order to preserve legal rights, but commits to do work, such as site investigation and remediation which can take some time.
3. About one-half of the ALJ decisions are appealed to the Commission. Very few of the Commission decisions are appealed on to the courts.

I would add that the ALJs are normally prompt in setting hearings and rendering decisions, and most delays in obtaining resolution through the formal hearing process are caused by the parties pursuing attempts to resolve the case informally, or other factors such as the complexity of the case.

ADMINISTRATIVE APPEAL FLOW CHART

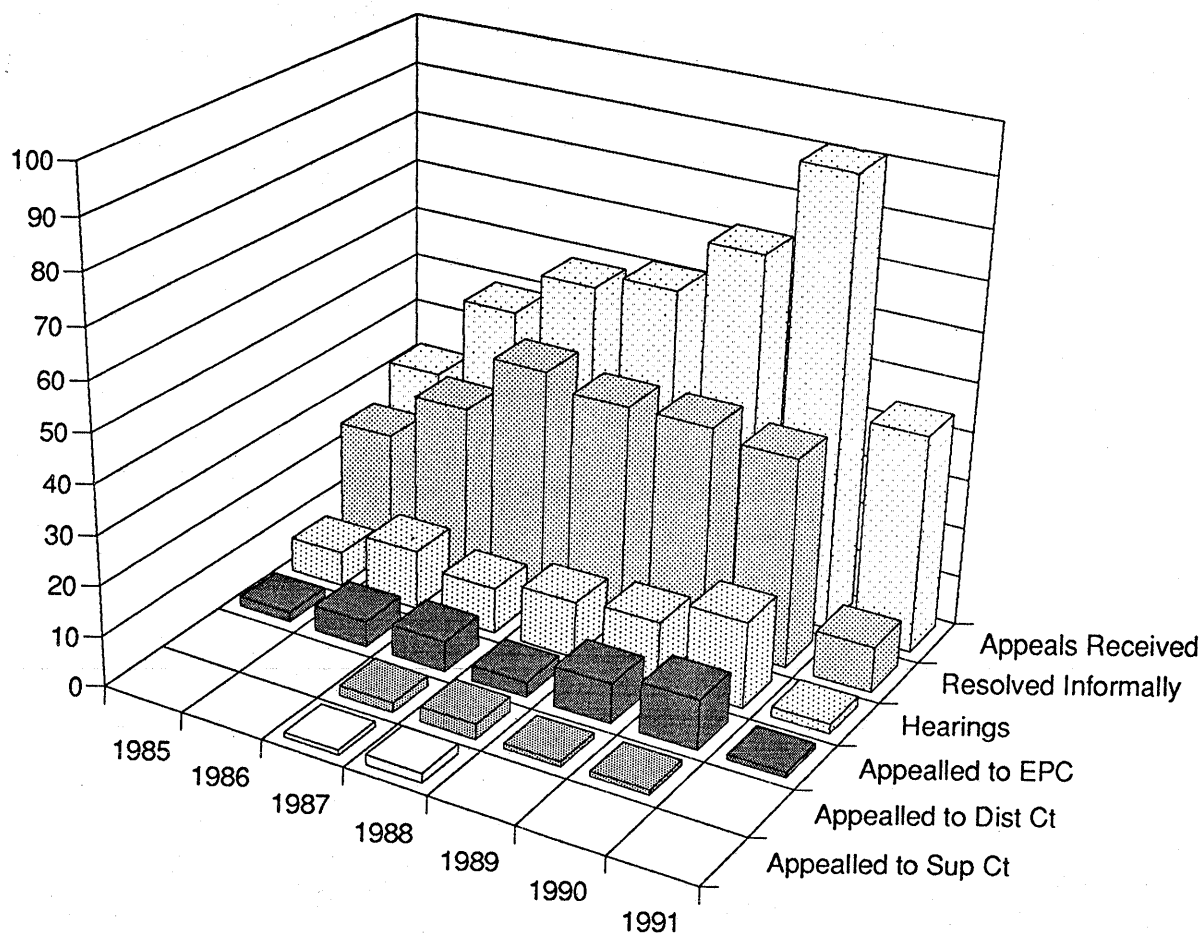


DNR ADMINISTRATIVE APPEAL STATISTICS

(as of 11/1/91)

Calendar Year		85	86	87	88	89	90	TOT 85-90	91
Appeals Received		32	49	58	61	72	91	363	67
Resolved Informally		25 78%	35 71%	47 81%	44 72%	45 63%	47 52%	243 67%	18
	>3 mo.	8	20	33	22	19	20	122	15
	3-12	10	12	14	16	20	21	93	3
	>12 mo.	7	3	-	6	6	6	28	-
Hearings		7 22%	12 24%	9 16%	11 18%	12 17%	17 19%	68 19%	2
	EPC	2	5	6	3	8	11	35	1
	D.Ct.	-	-	2	3	1	1	7	-
	S.Ct.	-	-	1	2	-	-	3	-
Pending		-	2	2	8	15	30	57	48

Administrative Appeals



Mr. Murphy reviewed the report he provided with the agenda item.

Clark Yeager asked about the number of cases pending.

Mr. Murphy responded that there are 105 total cases pending. He noted that there were 100 Administrative Orders issued in 1984-85, 300 issued in 1990, and 306 issued in 1991.

William Ehm asked what percentage of legal staff time is involved with environmental protection issues.

Mr. Murphy indicated that approximately 95% of the legal bureau staff time is devoted to environmental issues.

Mr. Murphy stated that Amy Christiansen Couch is present to discuss the part of the process she handled as an Administrative Law Judge.

APPOINTMENT - AMY CHRISTIANSEN COUCH

Amy Christiansen Couch, former Administrative Law Judge, discussed the process as handled by the department of Inspection and Appeals (I&A). After an Administrative Order has been issued by DNR and a party appeals, the case is then referred to Inspections and Appeals and assigned to an Administrative Law Judge. DNR cases are now handled by Margaret LaMarche, Chuck Tarpin, and James Ash. Ms. Couch stated that there is a clear recognition at I&A that DNR cases are some of the most complicated cases in state government as a general rule, so only attorney Administrative Law Judge's hear them. When a case is received the ALJ prepares a Notice of Hearing. DNR rules require a petition to be filed by the Appellant within 20 days of receipt of the Notice of Hearing, and the department has to file an answer within 20 days of receipt of the petition. A hearing date is scheduled and most cases are held in the Wallace Building. Ms. Couch noted that frequently cases are continued when staff is trying to work out a settlement, or for other good reasons to delay. She emphasized that the DNR lawyers are very good at keeping the ALJ informed as to what is happening on a case in instances where there may be need for a continuance, and also in trying to work with parties to resolve a case. Ms. Couch stated that most hearings last about one day and, generally, there is legal representation on both sides. After a hearing is over the legal representatives are asked for Briefs. The ALJ will then research the law and write a decision with Findings of Fact and Conclusions of Law. She commented that she never felt any pressure to decide a case in any particular way and it was critical for her to be neutral in making a decision. Ms. Couch added that DNR most generally wins because the law is on their side most of the time. She stated that she was probably a little hard on the department in regards to penalty reductions, adding that a penalty is often reduced but it is not a reflection on either side. Penalty reductions sometimes occur as a matter of trying to strike a middle ground.

Mr. Murphy commented that there have been several cases where staff did not agree with a reduction in penalty but was happy if the basic order was upheld. He related that the administrative penalty is a small part of the case as the underlying action is the most critical issue for the party involved.

Richard Hartsuck asked what kind of success record the department has in District Court.

Mr. Murphy responded that the department generally wins in District Court but occasionally they might lose one or two parts of a case.

Discussion followed regarding various aspects of the process.

This was an informational item; no action was required.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Stokely USA, Inc. (Ackley) - water pollution
- b. Virgil Littschwager/Littschwager & Sons, Inc. (Buckeye) - underground tanks
- c. Daryl Dillavou (Waverly) - underground tanks
- d. Bill Herweh (Prairie City) - underground tanks
- e. Amoco Pipeline Company (Dubuque) - hazardous condition/
water pollution

Stokely, USA

Mr. Murphy briefed the Commission stating that this case involves a vegetable canning facility which discharged to a local stream causing water pollution and two minor fishkills. A previous Administrative Order was issued in 1988 over similar incidents. Mr. Murphy added that the company wrote a letter to the department stating that they will negotiate with the Attorney General's Office.

Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Margaret Prah. Motion carried unanimously.

Virgil Littschwager/Littschwager & Son, Inc.

Mr. Murphy asked the Commission to table this case for 30 days as Mr. Littschwager has paid his fee and has contracted to do the closure investigation the department is requiring.

Motion was made by Richard Hartsuck to table the Virgil Littschwager referral for 30 days. Seconded by Margaret Prah. Motion carried unanimously.

Daryl Dillavou

Mr. Murphy stated that this is a case where a site assessment is required. He added that Mr. Dillavou is pleading poverty but he did not supply sufficient information to back up his claim. He related that the department recently received some of the requested information and would like an opportunity to evaluate it, therefore, staff is asking that this case be tabled indefinitely.

Motion was made by Margaret Prah1 to table the Daryl Dillavou referral for an indefinite period of time. Seconded by Nancy1ee Siebenmann. Motion carried unanimously.

Bill Herweh

Mr. Murphy stated that this case involves an individual who removed tanks from some property he purchased and failed to submit the required closure investigation information. There is also a question on registration and Mr. Herweh has failed to submit the requested information.

Motion was made by Margaret Prah1 for referral to the Attorney General's Office. Seconded by Nancy1ee Siebenmann. Motion carried unanimously.

Amoco Pipeline

Mr. Murphy asked the Commission to table this case for 30 days as local counsel for Amoco did not learn of this matter until last Friday and has asked for a delay. He added that an effort is being made to work things out.

Motion was made by Charlotte Mohr to table the Amoco Pipeline referral for 30 days. Seconded by Nancy1ee Siebenmann. Motion carried unanimously.

LEGISLATION PACKAGE - 1992

Lisa Smith, Legislative Liaison for the department, presented the following item.

There were questions about several of the legislative proposals brought to the Commission at its October meeting. Drafts of bill proposals which were not approved by the Commission are enclosed. Each of them has been modified to reflect the concerns expressed at the last meeting. Please note that some of the topics have been reorganized into separate bills. The additional bills do not represent an expansion of the legislation, but is intended to help focus proposals on single topics.

In addition to the draft legislation, answers to questions that were asked will be made available at the next meeting.

Ms. Smith reviewed the three legislative proposals delayed last month for further revisions.

Water Withdrawal Permit Review Time Limits

DRAFT 11/6/91

WATER WITHDRAWAL PERMIT REVIEW TIME LIMITS

(1) Eliminate provision in the water withdrawal program which requires the department to issue new permits within 90 days and renewals within 30 days or grant a permit by default (455B.265). The water withdrawal program is a state program funded entirely by state general fund appropriations. Budget reductions and down sizing of government has drastically reduced staffing of this program. State law requires that the department conduct detailed investigations, conduct public notice and comment, and make specific findings prior to issuance of these permits. This simply cannot be accomplished in many instances with available staff. The department's options, therefore, are either to deny permits because of lack of time to conduct the proper investigations and actions required by law, or to issue permits without following the technical and procedural requirements. This can serve to work hardship on the permit applicants, other water users or both. If the legislature does not want to change this provision, they should then amend existing statute to eliminate most of the procedural requirements prerequisite to permit issuance. This would effectively change the program from one of permitting water uses to a registration of water uses.

PROPOSED LEGISLATIVE LANGUAGE:

1 SECTION 3. Section 455B.265, subsection 1, Code 1991 is amended to read as
2 follows:

3
4 **455B.265 Permits for diversion, storage, and withdrawal.**

5 1. In its consideration of applications for permits, the department shall give
6 priority in processing to persons in the order that the applications are received,
7 except where the application of this processing priority system prevents the prompt
8 approval of routine applications or where the public health, safety, or welfare will be
9 threatened by delay. If the department determines after investigation that the
10 diversion, storage, or withdrawal is consistent with the principles and policies of
11 beneficial use and ensuring conservation, the department shall grant a permit. ~~An~~
12 ~~application for a permit shall be approved or denied within ninety days from the~~
13 ~~date that the department receives the application. A renewal permit shall be~~
14 ~~approved or denied by the department within thirty days from the date that the~~
15 ~~department receives an application for renewal.~~ Regardless of the request in the

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1 application, the director or the department on appeal may determine the duration
2 and frequency of withdrawal and the quantity of water to be diverted, stored, or
3 withdrawn pursuant to the permit. Each permit granted after July 1, 1986, shall
4 include conditions requiring routine conservation practices, and requiring
5 implementation of emergency conservation measures after notification by the
6 department.
7

A lengthy discussion took place regarding time, resources, and staff required to maintain the permit program. A number of the Commissioners liked the idea of allowing 90 - 120 days from the time the department receives the application to issuance of the permit, in lieu of deleting the permit program. Commissioners Yeager and Priebe liked the idea of a water registration program.

Motion was made by Rozanne King to amend the staff proposal to require the department to issue new permits within 120 days and renewals within 60 days after receipt of the complete application. Seconded by Margaret Prah. Motion carried unanimously.

Viable Water/Wastewater Systems

DRAFT 11/6/91

VIABLE WATER/WASTEWATER SYSTEMS

Many of the public water supplies and wastewater treatment plants in Iowa are poorly funded and inadequately managed. This is especially true of non-community public water supplies and very small community water supplies. These supplies are so poorly equipped and under funded that they really can't serve as a viable public water system and comply with applicable state and federal laws and regulations, which now include construction standards, maintaining wells and distribution systems, meeting drinking water standards, monitoring requirements, and having certified operators. These systems take an inordinate amount of staff and financial resources to provide surveillance, technical assistance and enforcement in order to ensure that users of those supplies are provided a safe and healthy potable water source. This bill would allow the department to deny permits to non-viable water supplies, which will require users to seek more viable and reliable drinking water sources. Several other states have this type of authority.

The language below relating to viability includes wastewater treatment facilities; further discussion on treatment facilities is contained in the wastewater program amendments.

The situation with small communities with their own wastewater treatment plants is the same as for water supply. The language below would allow the department to deny a permit to systems which are not viable wastewater treatment systems as well. In addition, it would allow the department to exempt certain types of discharges from the need to obtain a permit.

PROPOSED LEGISLATIVE LANGUAGE:

1 SECTION 1. Section 455B.171, Code 1991 is amended by adding the following new
2 subsection.

3 NEW SUBSECTION. 29. "Viable" means a disposal system or a public water
4 supply system which is self-sufficient and has the financial, managerial, and technical
5 capability to reliably meet standards of performance on a long term basis, as
6 required by state and federal law, including the federal Water Pollution Control Act
7 and the federal Safe Drinking Water Act.
8

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1 SECTION 2. Section 455B.173, Code 1991 is amended by adding the following new
2 subsection:
3

4 NEW SUBSECTION. 11. Adopt, modify, or repeal rules relating to the business
5 plan which disposal systems and public water supply systems must file with the
6 department pursuant to section 455B.174(4), and adopt, modify, or repeal rules
7 establishing a methodology and timetable by which non-viable systems shall take
8 action to become viable, or make alternative arrangements in providing treatment
9 or water supply services.
10

11 SECTION 3. Section 455B.173, subsection 3, unnumbered paragraph 1, Code 1991
12 is amended to read as follows:
13

14 3. Establish, modify or repeal rules relating to the location, construction,
15 operation, and maintenance of disposal systems and public water supply systems and
16 specifying the conditions, including the viability of a system pursuant to section
17 455B.174(4), under which the director shall issue, revoke, suspend, modify or deny
18 permits for the operation, installation, construction, addition to or modification of
19 any disposal system or public water supply system, or for the discharge of any
20 pollutant or for the disposal of water wastes resulting from poultry and livestock
21 operations. The rules specifying the conditions under which the director shall issue
22 permits for the construction of an electric power generating facility subject to
23 chapter 476A shall provide for issuing a conditional permit upon the submission of
24 engineering descriptions, flow diagrams and schematics that qualitatively and
25 quantitatively identify effluent streams and alternative disposal systems that will
26 provide compliance with effluent standards or limitations.

27

28 SECTION 7. Section 455B.174, subsection 4, unnumbered paragraph 1, Code 1991
29 is amended to read as follows:

30

31 4. Approve or disapprove the plans and specifications for the construction of
32 disposal systems or public water supply systems except for those sewer extensions
33 and water supply distribution system extensions which are reviewed by a city or
34 county public works department as set forth in section 455B.183. The director shall
35 issue, revoke, suspend, modify or deny permits for the operation, installation,
36 construction, addition to or modification of any disposal system or public water

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1 supply system except for sewer extensions and water supply distribution system
2 extensions which are reviewed by a city or county public works department as set
3 forth in section 455B.183. The director shall also issue, revoke, suspend, modify, or
4 deny permits for the discharge of any pollutant. The permits shall contain
5 conditions and schedules of compliance as necessary to meet the requirements of
6 this part of this division, ~~and the federal Water Pollution Control Act~~ and the
7 federal Safe Drinking Water Act. The director shall not issue or renew a permit to
8 a disposal system or a public water supply system which is not viable. To determine
9 the viability of a disposal system or public water supply, the department shall
10 require, as part of the permit application, submittal of a business plan. This plan
11 shall include the following components:

12

13 a. A facilities plan which describes proposed new facilities and the condition of
14 existing facilities, needs for rehabilitation and replacement, and future needs to
15 meet the requirements of the federal Water Pollution Control Act and the federal
16 Safe Drinking Water Act.

17 b. A management plan which consists of two components: first, an
18 administrative plan describing methods to assure performance of functions
19 necessary to administer the system, including credentials of management personnel;
20 and second, an operation and maintenance plan describing how all operating and
21 maintenance duties necessary to the system's proper function will be accomplished.

22 c. A financial plan which describes provisions for: (1) assuring that adequate
23 revenues will be available to meet cash flow requirements, based on the full cost of
24 providing the service; (2) adequate initial capitalization; and (3) access to additional
25 capital for contingencies.

26

27 If, upon submission and review of the business plan, the department determines that
28 the disposal system or public water supply is not viable, the director may require the
29 system to take actions to become viable within a time period established pursuant to
30 section 455B.173(11), or make alternative arrangements in providing treatment or
31 water supply services as determined by rule.

32

33 In addition to the above requirements, A a permit shall not be issued to operate
34 or discharge from any disposal system unless the conditions of the permit assure that
35 any discharge from the disposal system meets or will meet all applicable state and
36 federal water quality standards and effluent standards and the issuance of the

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1 permit is not otherwise prohibited by the federal Water Pollution Control Act. All
2 applications for discharge permits are subject to public notice and opportunity for
3 public participation including public hearing as the department may by rule require.
4 The director shall promptly notify the applicant in writing of the director's action
5 and, if the permit is denied, state the reasons for denial. The applicant may appeal
6 to the department of inspections and appeals from the denial of a permit or from
7 any condition in any permit if the applicant files notice of appeal with the director
8 within thirty days of the notice of denial or issuance of the permit. The director
9 shall notify the applicant within thirty days of the time and place of the hearing.

William Ehm stated that he is struggling with this proposal in regards to the definition of "viable."

Ms. Smith explained that viable is not just a function of size, although most of the systems that are in continual violation of monitoring requirements or bacteria violations are small systems. The definition is not just that they are small but that they cannot meet the current operating standards required by law. She further explained that the proposal is not to shut a system down but for them to possibly increase rates or share operators, maintenance, laboratory services, and management functions between systems.

Discussion followed.

Nancylee Siebenmann asked if a system would have some kind of criteria spelling out what would make them viable.

Mr. Stokes stated that staff would have to come back with rules outlining the criteria if this proposal is adopted.

Discussion followed in regards to protecting the consumer with safe drinking water and protecting the environment as well.

Motion was made by Nancylee Siebenmann to approve this legislative proposal as presented.

Clark Yeager stated that he can see how rural water runs can be piped but wondered how we would put a cork in their sewer system.

Mr. Stokes stated that entities could look at nearby towns and check with hooking on to their system.

Margaret Prah1 seconded Commissioner Siebenmann's motion.

Gary Priebe stated that he has a problem with passing this proposal because there must be an alternative to cutting off a system's water supply and sewage facilities.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Siebenmann, Britt, Ehm, King, and Prah1. "Nay" vote was cast by Commissioners Priebe, Yeager, and Mohr.

Chairperson Hartsuck will abstain from all votes during his tenure as Chairperson unless there is a need to break a tie.

Motion carried on a vote of 5-Aye to 3-Nay.

Wastewater Moratorium Deletion

DRAFT 11/6/91

WASTEWATER MORATORIUM DELETION

Eliminate the ten year moratorium provision in the wastewater permitting program which prohibits the department from requiring compliance with more stringent effluent limits for ten years after construction (455B.173(3)). This provision is not consistent with the Federal Water Pollution Control Act, which may well jeopardize continued delegation of federal wastewater operation permitting authority to the state. This provision can also serve to prevent the department from requiring implementation of needed controls on wastewater treatment systems which are needed to protect public health and safety, and the environment.

PROPOSED LEGISLATIVE LANGUAGE:

- 1 SECTION 1. Section 455B.173, subsection 3, unnumbered paragraph 3, Code 1991
- 2 is amended by deleting the paragraph.
- 3

Mr. Stokes explained that EPA has indicated verbally that this is a flaw but the department is waiting for a written response. A year ago the department's legal staff wrote EPA stating that the department does not think it is a flaw and asked them to clarify where there is a flaw. To date no response has been received.

Chairperson asked if the department could go with a grandfather provision for existing facilities to avoid breaking faith, and make the no moratorium provision apply from this point on.

Mr. Stokes stated that the purest EPA would say would be no grandfather provision, but it is difficult to guess what EPA would do.

Motion was made by Gary Priebe to approve this legislative proposal with modification for provision to grandfather existing installations for ten years that are still in compliance. Seconded by Rozanne King. Motion carried unanimously.

Household Batteries

SECTION 1. NEW SECTION. Chapter 455D, Code 1991, is amended by adding the following new section.

455D.10A Household batteries -- labeling, heavy metal content, and recycling requirements.

1. Definitions.

As used in this section and in section 455D.10B unless the context otherwise requires:

- a. "Household battery" means any type of battery used by consumers, including but not limited to mercuric oxide, carbon-zinc, silver oxide, nickel-cadmium, nickel-hydride, alkaline, lithium, or sealed lead acid batteries.

- b. "Rechargeable household battery" means a household battery, including but not limited to nickel-cadmium batteries, which can be recharged by the consumer and reused several times.
- c. "Rechargeable consumer product" means any product that contains a rechargeable battery and is primarily used or purchased to be used for household purposes.
- d. "Button cell battery" means a household battery, such as a silver oxide, mercuric oxide, zinc air, or lithium battery, which is used in hearing aids, watches, and cameras.
- e. "Consumer" means any person who purchases household batteries for personal or business use.
- f. "Retailer" means any person who engages in the sale of household batteries to a consumer in the state.
- g. "Manufacturer" means any person who produces household batteries for sale.
- h. "Director" means the director of the department.
- i. "Department" means the department of natural resources created under section 455A.2.
- j. "Commission" means the environmental protection commission of the department.

2. Mercury content limited.

Beginning July 1, 1993, a manufacturer may not sell at retail, distribute or offer for retail sale in this state an alkaline manganese battery that contains more than 0.025 percent mercury by weight, or a button cell battery which contains more than 25 mg. of mercury.

3. Labeling requirements - button cell batteries.

Beginning July 1, 1993, a person may not sell, distribute, or offer for sale any button cell battery which is not clearly labeled with the type of electrode used in the battery.

4. Recycling of household batteries - responsibilities of manufacturers.

It is the goal of the state to eliminate the toxic components of used household batteries from the solid waste stream in the state. Beginning July 1, 1996, battery manufacturers shall have a system or systems in place to protect the health and safety of Iowans, and the state's environment, from the toxic components of used household batteries. The system or systems shall include at least one of the following:

- a. Elimination, or reduction to the extent established in rule by the department, of heavy metals and other toxic components in household batteries, to insure protection of public health, safety, and the environment when placed in or disposed of as part of mixed municipal solid waste;
- b. Establishing a comprehensive recycling program for each type of battery that a manufacturer produces for sale in the state. The recycling program shall, at minimum, provide for the collection and reprocessing of 80% of each type of battery sold in the state;
- c. Provision for collection and proper disposal of used household batteries by the manufacturer. For the purposes of this paragraph, "proper disposal" means disposal which complies with all applicable state and federal laws.

After July 1, 1996, a battery manufacturer shall not sell, distribute or offer for sale any household batteries in the state unless a system as stated above is in place.

5. Rules Adopted.

The commission shall adopt, upon recommendation of the director, the rules necessary to carry out the provisions of this section, subject to the provisions of chapter 17A.

6. Penalties.

a. Any person violating the provisions of section 455D.10A, or a rule adopted under this section shall be subject to a civil penalty of not more than \$10,000 per day of violation.

SECTION 2. NEW SECTION. Chapter 455D, Code 1991 is amended by adding the following new section.

455B.10B Rechargeable Batteries for Tools and Appliances.

1. Beginning January 1, 1994, a person may not distribute, sell, or offer for retail sale in the state a rechargeable consumer product unless:

a. The battery can be easily removed by the consumer, or is contained in a battery pack that is separate from the product and can be easily removed.

b. The product, the battery, and the product package are clearly labeled to indicate that the battery must be recycled or disposed of properly, and that meets the requirements of the International Standards Organization (ISO 7000-1135) recycling symbol with the chemical composition "Cd" for nickel-cadmium batteries, of "Pb" for small lead batteries included as part of the recycling symbol.

2. A manufacturer may apply to the department for exemption from the requirements of subsection 1 if:

a. the product cannot be redesigned or manufactured to comply with the requirements prior to the effective date of this section;

b. the redesign of the product to comply with the requirements would result in significant danger to public health and safety;

c. the battery poses no unreasonable hazard to public health, safety, or the environment when placed in and processed or disposed of as part of mixed municipal solid waste, pursuant to section 455D.10A, subsection 2.

3. A exemption granted by the department under subsection 2, paragraph "a" is limited to a maximum of two years, and may be renewed.

Ms. Smith gave a detailed explanation of this proposal.

Discussion followed.

Motion was made by Margaret Prahl to approve this legislative proposal. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

GENERAL DISCUSSION

Director Wilson announced that the Deputy Director position at DNR has been vacant since last June and he has hired Don Paulin to fill that position. Mr. Wilson related that Mr. Paulin will begin work in December. He added that he is looking forward to working with Mr. Paulin and he will be a very valuable addition to the department.

Director Wilson also announced that Jim Combs is leaving the department and moving to Washington State. He added that Jim has been a real asset to the department and he will be missed. The Coordination & Information Division will be discontinued and assignments will be made to other divisions. Don Paulin will oversee the legislative liaisons, Lisa Smith and Jim Brown, as well as the Information and Education Bureau. Kevin Szcodronski will be assigned to the Fish and Wildlife Division. Legal staff will be assigned to the Environmental Protection Division.

Charlotte Mohr commented that Jim Combs has been an excellent staff member, and she thinks the selection of Don Paulin as Deputy Director is an excellent one.

Nancy Lee Siebenmann reported that she attended a CHEEC meeting on November 6 and the main agenda item dealt with risk communication resulting from environmental exposures ascertained through research sponsored by CHEEC grant. Commissioner Siebenmann explained that this means they are looking for a mechanism to communicate such things as the Rathbun Lake contamination in the most professional way possible, and to have coordination between the Department of Public Health, other involved agencies (such as DNR), and CHEEC.

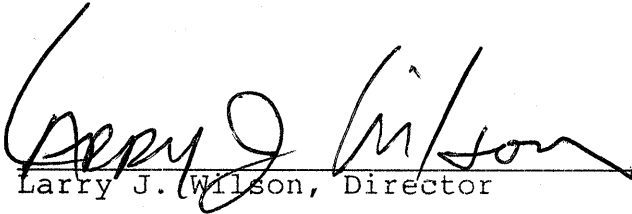
NEXT MEETING DATES

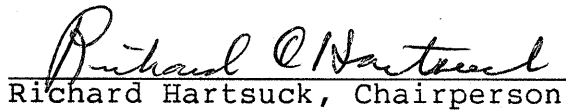
December 16, 1991
January 21, 1992 (Tuesday)
February 17, 1992

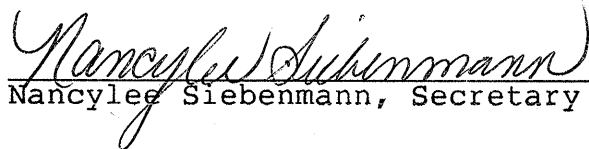
ADJOURNMENT

Motion was made by William Ehm to adjourn the meeting.
Seconded by Margaret Prahl. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 3:35 p.m., Monday, November 18, 1991.


Larry J. Wilson, Director


Richard Hartsuck, Chairperson


Nancy Lee Siebenmann, Secretary

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